

# STANDARD TRAFFIC ORDINANCE

For Kickapoo Tribe in  
Kansas

***First Edition—1999***

Enacted by Kickapoo Tribal Council:

Fred Thomas,	Chairman
Steve Cadue,	Vice Chairman
Bobbi Darnell,	Secretary
Norene Negonsott,	Treasurer
Dave Masqua,	Member
Bernadette Thomas,	Member
John Thomas,	Member

Prepared and Edited by  
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# Kickapoo Standard Traffic Ordinance

## ACKNOWLEDGMENTS

This Ordinance was passed by the Kickapoo Tribal Council on March 20, 1999, by the Tribal Council in a regular meeting. The Council consisted of the following tribal members:

**Fred Thomas,**  
**Steve Cadue,**  
**Bobbi Darnell,**  
**Norene Negonsott,**  
**Dave Masqua,**  
**Bernadette Thomas,**  
**John Thomas,**

**Chairman**  
**Vice Chairman**  
**Secretary**  
**Treasurer**  
**Member**  
**Member**  
**Member**

The software and hard copies of the Kansas League of Municipalities' Standard Traffic Ordinance were provided to the Kickapoo Tribe in Kansas by the Kansas League of Municipalities. This saved much time and effort. A special thanks to the Kansas League of Municipalities and its General Counsel, Donald L. Moler, Jr. for the use of the League's software and hardware as the building structure for the Kickapoo Ordinance.

Council Member Dave Masqua was the lead and contact person for the Tribal Council. He spent numerous hours on the project. His persistence kept the project moving forward. He read the drafts and suggested modifications.

Secretary Bobbi Darnell prepared the Tribal Resolution for adoption of the Ordinance and submission to the Bureau of Indian Affairs.

Charley Laman, J.D. prepared the numerous drafts and edited the same with the assistance of Dave Masqua.

**STANDARD TRAFFIC ORDINANCE**

**FOR**

**KICKAPOO TRIBE IN KANSAS**

This standard traffic ordinance is designed to provide a comprehensive traffic code for the Kickapoo Reservation and other tribal lands. This ordinance is property of the Kickapoo Tribe in Kansas, subject only to the Tribe's copyright agreement with the Kansas League of Municipalities.

This ordinance is subject to the terms and conditions of the agreement made between the Kickapoo Tribe in Kansas and the Kansas League of Municipalities concerning the reproduction of this ordinance and its usage. This ordinance is for the use of the Kickapoo Tribe on its Reservation and other tribal lands.

This ordinance was passed by the Kickapoo Tribal Council on March 20, 1999. The same was submitted to the Bureau of Indian Affairs for review and comment. No response was made by the BIA within the ten (10) day period allowed for response, so the same became law without BIA modification. The same was filed of Record with the Clerk of the Kickapoo Nation Tribal Court on April 12, 1999.

This act is in full force and effect as of April 12, 1999, as per its provisions. This Ordinance is Kickapoo Tribal Ordinance KTO-O3 in the official Tribal Council Records. This Ordinance is Title 16 of the Kickapoo Nation Tribal Code. It may be cited as KNTC Title 16, Articles 1-23, Sections 1-223.

The official version of this Ordinance as filed on April 12, 1999, is on file with the Clerk of the Court for the Kickapoo Tribe in Kansas. The Secretary of the Tribe also has the original on file in her records. Copies may be obtained by contacting the Clerk of the Court. A reproduction fee will be charged.

Clerk of Kickapoo Nation Tribal Court  
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Horton, Kansas 66439-0109

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**STANDARD TRAFFIC ORDINANCE**

**FOR**

**KICKAPOO TRIBE IN KANSAS**

**Edition of 1999**

**TITLE 16**

**Article 1. Definitions**

**Section 1. Definitions.** The following words and phrases when used in this ordinance shall, for the purpose of this ordinance and other traffic ordinances, have the meanings respectively ascribed to them in this section except when the context otherwise requires.

**Alcoholic Beverage.** Any alcoholic liquor, as defined by KICKAPOO NATION TRIBAL CODE (K.N.T.C.) Title 10-536 and amendments thereto, or any cereal malt beverage, as defined by K.N.T.C. 10-536 and amendments thereto.

**Alcohol Concentration.** The number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

**Alley or Alleyway.** A street or highway intended to provide access to the rear or side of lots or buildings in developed areas and not intended for the purpose of through vehicular traffic.

**All-Terrain Vehicle.** Any motorized non-highway vehicle 45 inches or less in width, having a dry weight of 650 pounds or less, traveling on three or more low-pressure tires, and having a seat to be straddled by the operator. As used in this subsection, "low pressure tire" means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 12 inches or less, and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

**Arterial Street.** Any U.S. or state numbered route, controlled access highway or other major radial or circumferential street or highway designated by the Tribe as part of a major arterial system of streets or highways.

**Authorized Emergency Vehicle.** Such fire department vehicles or police bicycles or police vehicles which are tribal owned; motor vehicles operated by ambulance services permitted by the emergency medical services board; and such other publicly or privately owned vehicles which are designated as emergency vehicles pursuant to K.N.T.C. and amendments thereto.

**Bicycle.** Every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is more than 14 inches in diameter.

**Bus.** Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

**Business District.** The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least 100 feet of frontage on one side or 100 feet collectively on both sides of the highway.

**Chief of Police.** The chief of police of the Tribe, or any member of the police department of the Tribe designated by the chief of police to act in his or her place.

**Christian Science Practitioner.** An individual listed in The Christian Science Journal as a Christian Science practitioner.

**Church Bus.** Every motor vehicle owned by a religious organization, and operated for the transportation of persons to or from services or activities of such religious organization.

**Commercial Motor Vehicle.** A motor vehicle designed or used to transport passengers or property, if:

- (a) The vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary, but shall not be more restrictive than the federal regulation;
- (b) The vehicle is designed to transport 16 or more passengers, including the driver; or
- (c) The vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. 172, subpart F, effective January 1, 1991.

**Controlled-Access Highway.** Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

**Crosswalk.**

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian

crossing by lines or other markings on the surface.

**Day Care Programs.** Those which provide day service for development in self-help, social, recreational and work skills for mentally retarded and other handicapped persons, giving priority to providing services for the severely and young retarded or handicapped.

**Day Care Program Bus.** Every motor vehicle used primarily to carry out functions of a day care program.

**Department.** Kansas Department of Transportation.

**Director.** The Kansas director of vehicles.

**Divided Highway.** A highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

**Division.** The Kansas division of vehicles of the Kansas department of revenue.

**Double Parking.** The standing or stopping of a vehicle in the line of traffic, and:

- (a) To the rear of a vehicle angle parked, or to the rear of a space where a vehicle may be parked at any angle to the curb or edge of the roadway; or
- (b) To the roadway side of a vehicle parked parallel with the curb or edge of the roadway or the roadway side of the space in which a vehicle may be parked parallel to the curb or edge of the roadway.

**Drag Race.** The operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

**Drawbar.** Drawbar means a bar across the rear of a motor vehicle, or a device securely attached to the motor vehicle, which maintains a fixed position and to which a towbar may be coupled.

**Driveaway-Towaway Operations.** Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

**Driver.** Every person who drives or is in actual physical control of a vehicle.

**Driver's License.** Any license to operate a motor vehicle issued under the laws of this Tribe, or any other Tribe, or sovereignty authorized by its laws to issue such licenses.

**Essential Parts.** All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

**Exhibition of Speed or Acceleration.** Those acts which cause or create unnecessary rapid acceleration, unnecessary tire squeal, skid, smoke, or slide upon acceleration or stopping including the casting of tread, gravel, dirt or other road surface materials from the tires; acts that simulate a temporary race; acts that cause the vehicle to unnecessarily turn abruptly, sway or lose traction with the road surface.

**Explosives.** Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

**Farm Tractor or Farm Vehicle.** Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry and such term shall include every self-propelled implement of husbandry. Said definition excludes vehicles such as semi-tractors, heavy trucks or other licensed vehicles.

**Flammable Liquid.** Any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device.

**Governing Body.** The Kickapoo Council of the Kickapoo Tribe in Kansas.

**Gross Weight.** The weight of a vehicle without load plus the weight of any load thereon.

**Highway.** See Street or Highway.

**House Trailer.**

- (a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or
- (b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or



temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

**Identifying Numbers.** The numbers, and letters, if any, on a vehicle designated by the division for the purpose of identifying the vehicle.

**Ignition Interlock Device.** A device which uses a breath analysis mechanism to prevent a person from operating a motor vehicle if such person has consumed an alcoholic beverage.

**Implement of Husbandry.** Every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to, a fertilizer spreader or nurse tank used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, regardless of ownership. Implement of husbandry shall not include:

- (a) A truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (b) A mixer-feed truck owned and used by a feedlot, and specially designed and used exclusively for dispensing feed to livestock in such feedlot; or
- (c) A truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, regardless of ownership.

#### **Intersection.**

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
- (b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

The junction of an alley with a street or highway shall not constitute an intersection.

**Laned Roadway.** A roadway which is divided into two or

more clearly marked lanes for vehicular traffic.

**License or License to Operate a Motor Vehicle.** Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this Tribe any other tribe or other sovereign government authorized to issue such licenses, including:

- (a) Any temporary license or instruction permit;
- (b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and
- (c) Any nonresident's operating privilege.

**Light Transmission.** The ratio of the amount of total light to pass through a product or material including any safety glazing material to the amount of the total light falling on the product or material and the glazing.

**Low Power Cycle.** Low power cycle means every vehicle and every bicycle and tricycle with not to exceed one brake horsepower provided by battery in addition to human power.

**Luminous Reflectants.** The ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material.

**Mail.** To deposit in the United States mail properly addressed and with postage prepaid.

**Metal Tire.** Every tire the surface of which, in contact with the highway, is wholly or partly of metal or other hard nonresilient material.

**Motor Vehicle.** Every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

**Motorcycle.** Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

**Motor-Driven Cycle.** Every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with motor attached except a motorized bicycle or a low power cycle.

**Motorized Bicycle.** Every device having two tandem wheels or three wheels which may be propelled by either human power or helper motor, or by both, and which has: A motor which produces not more than 3.5 brake horsepower; a cylinder capacity of not more than 50 cubic centimeters; an automatic transmission; and the capability of a maximum design speed of no more than 30 miles per hour except a low power cycle.

**Motorized Wheelchair.** Any self-propelled vehicle

designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

**Narrow Width Lane.** A lane that is too narrow for a bicycle and a vehicle to travel safely side-by-side within the lane.

**Nonreflective.** A product or material designed to absorb light rather than to reflect it.

**Nonresident.** Every person who is not a resident of The Kickapoo Tribe in Kansas' Reservation as defined in its Constitution at Article .

**Nonresident's Operating Privilege.** The privilege conferred upon a nonresident by the laws of this Tribe pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the Tribe's Reservation.

**Official Time Standard.** Whenever certain hours are specified they shall mean standard time or daylight-saving time as may be in current use in this Reservation.

**Official Traffic-Control Devices.** All signs, signals, markings, and devices, not inconsistent with this ordinance, placed or erected by authority of the Tribe for the purpose of regulating, warning or guiding traffic.

**Official Traffic-Control Signal.** Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

**Ordinance Traffic Infraction.** Is a civil violation of any section of this ordinance. All ordinance traffic infractions are civil violations and result in civil fines and civil injunctions, restraints, and other such licensing privileges. In no event, shall any person violating this ordinance be incarcerated in the Tribe's jail for the traffic infraction(s), except this provision does not prohibit the Court from incarceration of persons for Contempt of Court.

**Other Competent Evidence.** Includes alcohol concentration tests obtained from samples taken two hours or more after the operation or attempted operation of a vehicle.

**Owner.** A person, other than a lienholder, having the property in or title to a vehicle; and such term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

**Park or Parking.** Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

**Parking Lot.** Means the area where multiple vehicles can be parked side by side. This includes the parking lot for all Tribal Offices and Enterprises or Agencies. This entire traffic ordinance applies to vehicles in the parking lots, whether moving or parked.

**Passenger Car.** Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying 10 passengers or less and used for the transportation of persons.

**Pedestrian.** Any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

**Person.** Every natural person, firm, association, partnership or corporation.

**Person with a Disability.** Any individual who:

- (a) Has a severe visual impairment;
- (b) Cannot walk 200 feet without stopping to rest;
- (c) Cannot walk without the use of or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive device;
- (d) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (e) Uses portable oxygen;
- (f) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association; or
- (g) Is severely limited in such persons's ability to walk due to an arthritic, neurological or orthopedic condition.

**Pneumatic Tire.** Every tire in which compressed air is designed to support the load.

**Pole Trailer.** Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

**Police Officer.** Every law enforcement officer of the Tribe.

**Private Road or Driveway.** Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by

other persons.

**Racing.** The use of one or more vehicles in an attempt to out-gain, out-distance or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

**Railroad.** A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

**Railroad Sign or Signal.** Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

**Railroad Train.** A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

**Recreational Vehicle.** A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight feet and a body length not exceeding 40 feet; but such term shall not include a unit which has no electrical system which operates above 12 volts and has no provisions for plumbing, heating and any other component or feature for which a standard is adopted by the state of Kansas' uniform standards code for mobile homes and recreational vehicles.

**Registration.** The registration certificate or certificates and registration plates issued under the laws of this Tribe any other Tribe or any other sovereignty authorized to issue such certificates pertaining to the registration of vehicles.

**Residence District.** The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

**Revocation of Driver's License.** The termination by Court order of a person's license or privilege to operate a motor vehicle on the highways, which termination shall not be subject to renewal except that an application for a new license may be presented and acted upon by the Court after the expiration of the applicable period of time prescribed by the Court or this Ordinance.

**Right-of-Way.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

**Road Construction Zone.** The portions of a highway which are identified by posted or moving signs as being a construction or maintenance work area. The zone starts at the first sign identifying the zone and continues until a posted or moving sign indicates that the road construction zone has ended.

**Roadway.** That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

**Safety Hitch.** A chain, cable, or other material of sufficient weight which will prevent the towed vehicle from breaking loose in the event the towbar or drawbar fails or becomes disconnected.

**Safety Zone.** The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

**School Bus.** Every motor vehicle defined and designated as a school bus under the laws of the Tribe or the state of Kansas or any other sovereignty authorized to so designate vehicles as such.

**Semitrailer.** Every vehicle, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

**Sidewalk.** That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

**Solid Rubber Tire.** Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

**Special Mobile Equipment.** Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

**Specially Constructed Vehicle.** Every vehicle of a type required to be registered in this Tribe, any other Tribe or sovereignty authorized to register such vehicles, not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

**Stand or Standing.** Means the halting of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

**Stop.** When required means complete cessation from movement.

**Stop or Stopping.** When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

**Street or Highway.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Where the word "highway" or the word "street" is used in this ordinance, it shall mean road, street, avenue, boulevard, thoroughfare, trafficway, alley and other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.

**Sun Screening Devices.** A film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

**Suspension of a Driver's License.** The temporary withdrawal by the Court of a person's license or privilege to operate a motor vehicle on the highways.

**Through Highway.** Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such highway in obedience to either a stop sign, yield sign or other traffic-control device, when such signs or devices are erected as provided in this ordinance.

**Tow Bar.** A rigid piece of material which is structurally adequate to hold any weight vehicle towed and which is properly and securely mounted to the towed vehicle without excessive slack but with sufficient play to allow for universal action of the connection and which is equipped with a suitable locking device to prevent accidental separation of the towing vehicle and the towed vehicle.

**Traffic.** Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

**Traffic-Control Signal.** Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

**Traffic Infraction.** A violation of any of the provisions listed herein or amendments hereto. All traffic infractions are civil in nature. No traffic infraction under this code are criminal in nature or interpretation.

**Trailer.** Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle.

**Trial.** All trials will be to the Court. No jury trial will be

allowed for any traffic infraction. There was no common law traffic infraction, so no common law right to jury trial exists. This traffic ordinance and all of the traffic infractions shall be civil in nature—not criminal.

**Truck.** Every motor vehicle designed, used, or maintained primarily for the transportation of property.

**Truck-Camper.** Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

**Truck Tractor.** Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

**Vehicle.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

**Wide-Base Single Tires.** All tires having a section width, as specified by the manufacturer, of 14 inches or more.

**Wrecker or Tow Truck.** Any motor vehicle equipped with booms, winches or similar equipment specifically designed for recovery or towing of vehicles.

## **Article 2. Scope of Ordinance**

**Sec. 1. Civil Ordinance.** This ordinance is a civil ordinance enacted to regulate the vehicles and traffic and parking of vehicles on the Kickapoo Reservation and lands owned by the Kickapoo Tribes in Kansas. This ordinance and all of its provisions and traffic infractions shall be interpreted and construed as civil in nature—not criminal in nature.

**Sec. 2. Provisions of Ordinance Refer to Vehicles Upon the Streets and Highways; Exceptions.** The provisions of this ordinance relating to the operation or parking of vehicles refers exclusively to the operation or parking of vehicles upon streets, highways, and parking lots within the exterior boundaries of the Kickapoo Reservation or lands owned by the Kickapoo Tribe in Kansas whether within the boundaries of said reservation except:

- (a) Where a different place is specifically referred to in a given section.
- (b) The provisions of Sections 29 to 31, inclusive, of this ordinance, and any amendments thereof, shall apply upon streets and highways and elsewhere throughout the the Reservation and Tribal Trust Lands.

**Sec. 3. Emergency, Temporary and Experimental**



**Regulations.** The chief of police is hereby empowered to make regulations necessary to make effective the provisions of this and other traffic ordinances of the Tribe, to establish no parking zones on special occasions to expedite traffic or for safety purposes, signs being properly posted, to make and enforce temporary or experimental regulations to cover emergencies or special conditions or to determine the advisability of permanent regulations for recommendation to the governing body, and test traffic-control devices under actual conditions of traffic. No temporary or experimental regulation shall remain in force for more than 90 days.

**Sec. 4. Authority of Police.** Police officers of the Tribe shall at all times be empowered to enforce the provisions of this and other traffic ordinances of this Tribe and temporary and emergency rules and regulations of the chief of police, and may at any time direct and control traffic in person or by visible or audible signals: provided, that in the event of fire, temporary traffic congestion or other emergency, or to expedite the flow of traffic or to safeguard pedestrians, officers may direct traffic as conditions require notwithstanding the provisions of this ordinance and other traffic ordinances. The Police officers of the Tribe are fully authorized to enforce all provisions of this ordinance, and they are empowered to stop vehicles and impound the vehicles and take all necessary and reasonable actions to insure that this ordinance is enforced.

**Sec. 5. Jurisdiction of Court.** The Kickapoo Nation Tribal District Court shall have exclusive jurisdiction to try any and all traffic infractions under the provisions of this ordinance. All trials will be to the Court. No jury trials shall be allowed by any provisions of law or equity. No right to a jury trial for traffic infractions exists in the Kickapoo Common Law. Court appointed counsel shall not be provided unless the Court is considering banishment or contempt proceedings and the traffic violator is indigent.

### **Article 3. Obedience to and Effect of Traffic Laws**

**Sec. 5. Required Obedience to Traffic Laws.** It is unlawful for any person to do any act forbidden or fail to perform any act required in this ordinance.

**Sec. 6. Obedience to Authorized Persons Directing Traffic.** No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or fireman of this Tribe invested by law with authority to direct, control or regulate traffic.

**Sec. 7. Persons Riding Animals or Driving Animal-Drawn Vehicles.** Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except those provisions of this ordinance which by their very nature can have no application.

**Sec. 8. Persons Working On Highways; Exceptions.** Unless specifically made applicable, the provisions of this ordinance, except those contained in Sections 29 to 31, inclusive, of this

ordinance, shall not apply to persons, motor vehicles and equipment while actually engaged in work upon a highway, but shall apply to such persons and vehicles when traveling to or from such work. (K.S.A. 8-1505)

**Sec. 9. Public Officers and Employees to Obey Ordinance; Exceptions.** The provisions of this ordinance applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the Tribe, United States, the individual states of the United States or any county, city or any other political subdivision of said states, subject to such specific exceptions as are set forth in this ordinance.

**Sec. 10. Authorized Emergency Vehicles.**

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- (b) The driver of an authorized emergency vehicle may:
  - (1) Park or stand, irrespective of the provisions of this ordinance.
  - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
  - (3) ~~Exceed the maximum speed limits so~~ long as such driver does not endanger life or property.
  - (4) Disregard regulations governing direction of movement or turning in specified directions.
  - (5) Proceed through toll booths on roads or bridges without stopping for payment of tolls, but only after slowing down as may be necessary for safe operation and the picking up or returning of toll cards.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of Section 174 and visual signals meeting the requirements of Section 160 of this ordinance, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of

all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

#### **Article 4. Traffic Signs, Signals and Markings**

**Sec. 11. Manual and Specifications for Traffic Control Devices.** All traffic control devices shall conform to the manual and specifications as adopted by the Kansas state highway commission.

**Sec. 12. Obedience to and Required Traffic-Control Devices; Presumption of Legality.**

- (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.
- (b) No provision of this ordinance for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.
- (c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- (d) Any official traffic-control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence.

**Sec. 13. Traffic-Control Signal Legend.** Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (a) **Green Indication.**

- (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection cautiously only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (3) Unless otherwise provided by a pedestrian-control signal, as provided in Section 14, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

**(b) Steady Yellow Indication.**

- (1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
- (2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 14, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

**(c) Steady Red Indication.**

- (1) Vehicular traffic facing a steady circular red or red arrow signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in paragraphs (2)

and (3) of this subsection. Any turn provided for in said paragraph (2) and (3) shall be governed by the applicable provisions of Section 49 of this ordinance.

- (2) Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by paragraph (1) of this subsection. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (3) Unless a sign is in place prohibiting a turn, vehicular traffic upon a roadway restricted to one-way traffic facing a steady red signal at the intersection of such roadway with another roadway restricted to one-way traffic which is proceeding to the left of such vehicular traffic, may cautiously enter the intersection to make a left turn after stopping as required by paragraph (1) of this subsection. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (4) Unless otherwise directed by a pedestrian-control signal as provided in Section 14, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

- (d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or

marking the stop shall be made at the signal.

**Sec. 14. Pedestrian-Control Signals.** Whenever special pedestrian-control signals exhibiting the words "walk" or "don't walk" or symbols of "walking person" or "upraised palm" are in place, such signals shall indicate as follows:

- (a) **Flashing or Steady Walk or Walking Person.** Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- (b) **Flashing or Steady Don't Walk or Upraised Palm.** No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "walk" or "walking person" signal shall proceed to a sidewalk or safety island while the "don't walk" or "upraised palm" signal is showing.

**Sec. 15. Flashing Signals.** Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:

- (a)
  - (1) **Flashing Red (Stop Signal).** When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
  - (2) **Flashing Yellow (Caution Signal).** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- (b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossing shall be governed by the rules as set forth in Section 76 of this ordinance.

**Sec. 16. Lane-Direction-Control Signals.** When lane-direction-control signals are placed over the individual lanes of a street or highway, such signals indicate and apply to drivers of vehicles as follows:

- (a) **Green Indication.** Vehicular traffic may travel in

any lane over which a green signal is shown.

- (b) **Steady Yellow Indication.** Vehicular traffic is thereby warned that a lane control change is being made.
- (c) **Steady Red Indication.** Vehicular traffic shall not enter or travel in any lane over which a red signal is shown.
- (d) **Flashing Yellow Indication.** Vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

**Sec. 17. Display of Unauthorized Signs, Signals or Markings.**

- (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- (b) No person shall place or maintain nor shall any public authority permit upon any highway any official traffic control device bearing thereon any commercial advertising, except for business signs included as part of official motorist service panels or roadside area information panels approved by the secretary of transportation.
- (c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the Chief of Police is hereby empowered to remove the same or cause it to be removed without notice.

**Sec. 18. Interference With Official Traffic-Control Devices or Railroad Signs or Signals.** No person, without lawful authority, shall attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

**Sec. 19. Designation of Crosswalks and Safety Zones.** The chief of police, subject to the approval of the Tribal Council, may designate and maintain by appropriate devices, marks or lines on the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the

roadway and at such other places as may be deemed necessary. He may also, subject to such approval, establish and mark safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians.

**Sec. 20. Play Streets.**

- (a) The chief of police shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.
- (b) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

**Sec. 21. Traffic Lanes.** The chief of police is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is deemed necessary.

**Article 5. Accidents and Accident Reports;  
Duties**

**Sec. 22. Provisions of Article Apply Throughout City.** The provisions of this article shall apply upon streets and highways and elsewhere throughout the Reservation and its Trust Lands.

**Sec. 23. Accident Involving Death or Personal Injuries; Penalties.**

- (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 25 of this ordinance. Each such stop shall be made without obstructing traffic more than is necessary.
- (b) Any person failing to stop or to comply with the requirements of subsection (a) of this section shall upon adjudication of a violation be fined not more than \$2,500.

**Sec. 24. Accident Involving Damage to Vehicle or Other Property.** The driver of any vehicle involved in any accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 25 of this ordinance. Every such stop shall be made without



obstructing traffic more than is necessary.

**Sec. 25. Duty to Give Information and Render Aid.**

- (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give such person's name, address, and the registration number of the vehicle such person is driving and shall upon request exhibit such person's license or permit to drive, the name of the company with which there is in effect a policy of motor vehicle liability insurance covering the vehicle involved in the accident and the policy number of such policy to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident and shall give such information and upon request exhibit such license or permit and, the name of the insurer and policy number to any police officer at the scene of the accident who is investigating the accident and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.
- (b) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (a) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of Section 23 and subsection (a) of this section, insofar as possible on such person's part to be performed, shall forthwith report such accident to the police department and submit thereto the information specified in subsection (a) of this section.
- (c) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with failing to provide the name of such person's insurance company and policy number as required in subsection (a), shall be adjudicated if such person produces in court, within 100 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of issuance of the citation. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the

policyholder by the insurer which provides the name of the insurer, the policy number and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance.

**Sec. 26. Duty Upon Striking Unattended Vehicle or Other Property.** The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of such person's name, address and the registration number of the vehicle such person was driving, or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving such person's name, address and the registration number of the vehicle such person was driving, and without unnecessary delay shall notify the police department. Every such stop shall be made without obstructing traffic more than is necessary.

**27. Duty to Report Accidents.**

- (a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total damage to all property to an apparent extent of \$500 or more shall give notice immediately of such accident by the quickest means of communication to the police department.
- (b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a), and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.
- (c) Whenever the driver of a vehicle is involved in an accident resulting in property damage in the amount of \$500 or more and such driver believes the conduct of other individuals causing or involved in such accident would place such driver in imminent danger of bodily injury by such individuals, such driver shall be required to provide the notice required by subsection (a), as soon as the imminent danger has passed.

**Sec. 28. False Reports.** A person shall not give information in oral or written reports, as required in this ordinance, knowing or having reason to believe that such information is false.

**Article 6. Serious Traffic Offenses**

**Sec. 29. Reckless Driving; Penalties.**

- (a) Any person who drives any vehicle in willful or

wanton disregard for the safety of persons or property is guilty of reckless driving.

- (b) Upon a first adjudication of a violation of this section a person shall be fined not less than \$25 nor more than \$500. On a second or subsequent adjudication of a violation of this section, a person shall be fined not less than \$50 nor more than \$500.

**Sec. 30. Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties.**

- (a) No person shall operate or attempt to operate any vehicle within this Reservation or its Trust Lands while:
  - (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, is .08 or more;
  - (2) The alcohol concentration in the person's blood or breath, as measured within two hours of the time of operating or attempting to operate a vehicle, is .08 or more;
  - (3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
  - (4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or
  - (5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.
- (b) No person shall operate or attempt to operate any vehicle within this Reservation or its Trust Lands if the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.
- (c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this Tribe or any other sovereignty shall not constitute a defense against the charge.
- (d) Upon a first adjudication of a violation of this section, a person shall be fined not less than \$200 nor more than \$500. In addition, the court shall enter an order which requires that the person enroll in and successfully complete an alcohol and drug safety action education program or treatment program as directed by the Court, or both the education and treatment programs.

- (e) On a second adjudication of a violation of this section, a person shall be fined not less than \$500 nor more than \$1,000. In addition, the person shall be required to enter into and complete a treatment program for alcohol and drug abuse as directed by the Court.
- (f) On a second adjudication of a violation of this section, the court may banish the person from Reservation for up to ninety (90) days.
- (g) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than one (1) year after imposed, and any remainder of the fine shall be paid prior to the closing of the Court file.
- (h) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.
- (i) The court shall report every adjudication of a violation of this section and every diversion agreement entered into in lieu of further civil proceedings or a complaint alleging a violation of this section to the Chief of Police for enforcement of driving revocations, suspensions or restrictions if any.
- (j) For the purpose of determining whether a adjudication is a first or second adjudication in sentencing under this section:
  - (1) "Adjudication" includes being convicted of a violation of this section or entering into a diversion agreement in lieu of further proceedings on a complaint alleging a violation of this section;
  - (2) "Adjudication" includes being adjudicated of a violation of a law of any state or an ordinance of any Reservation or its Trust Lands, or resolution of any sovereignty which prohibits the acts that this section prohibits or entering into a diversion agreement in lieu of further proceedings in a case alleging a violation of such law, ordinance or resolution;
  - (3) Only adjudications occurring in the immediately preceding five years, including prior to the effective date

of this act, shall be taken into account, but the court may consider other prior adjudications in determining the sentence to be imposed within the limits provided for a first or second violator, whichever is applicable; and

- (4) It is irrelevant whether an offense occurred before or after adjudication for a previous offense.
- (k) Upon adjudication of a person of a second violation of this section, the Court shall suspend, restrict or suspend and restrict the person's driving privileges for up to ninety days for a first violation, and up to one year year for a subsequent violation.
- (l) Upon adjudication of a person of violation of this section, the court may order the convicted person to pay restitution to any victim who suffered loss due to the violation for which the person was adjudicated.
- (m) The Court upon a third or subsequent conviction may banish the violator from the Reservation and its Trust Lands for a period not to exceed one year for a third violation and not to exceed five (5) years for any violation beyond a third violation.
- (n) The alternatives set out in subsections (a)(1), (2) and (3) may be pleaded in the alternative, and the Tribe may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.  
(K.S.A. Supp. 8-1567)

**Sec. 30.1. Driving Commercial Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs; Penalties.**

- (a) No person shall drive any commercial motor vehicle within this Reservation or its Trust Lands while:
  - (1) The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, is .04 or more;
  - (2) The alcohol concentration in the person's blood or breath, as measured within two hours of the time of driving a commercial motor vehicle, is .04 or more; or
  - (3) Committing a violation of subsection (a) of Section 30 of this ordinance.
- (b) In addition to any penalties ordered under Section 30 of this ordinance, the person convicted shall be fined not less than \$200 nor more than \$500.
- (c) The court may also banish the violator from the Reservation and its Trust Lands.
- (d) Upon adjudication of a person of a violation of this section, the Court shall report the adjudication to the Chief of Police for purposes of enforcing the Court's orders.
- (e) For the purpose of this section, drive means to drive, operate or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic and includes operation or physical control of a motor vehicle anywhere in the Reservation or its Trust Lands.

(f) For the purpose of this section, commercial motor vehicle shall not include:

- (1) Farm vehicles, defined as follows:
  - (A) Registered as a farm truck or truck tractor under this Ordinance and amendments thereto;
  - (B) Used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm;
  - (C) Not used in the operations of a common or contract motor carrier; and
  - (D) Used within 150 air miles of any farm or farms owned or leased by the registered owner of such farm vehicle;
- (2) Operators of firefighting equipment;
- (3) Military vehicles which are operated by military personnel in pursuit of military purposes and all noncivilian operators of equipment owned or operated by the United States department of defense. This applies to any active duty military personnel and members of the reserves and national guard on active duty, including personnel on full-time national guard duty, personnel on part-time training and national guard military technicians, civilians who are required to wear military uniforms and are subject to the code of military justices; and
- (4) Motor vehicles, which would otherwise be considered commercial motor vehicles, if such vehicles are used solely and exclusively for private noncommercial use and any operator of such vehicles.

#### **Sec. 30a. Preliminary Breath Test.**

- (a) A law enforcement officer may request a person who is operating or attempting to operate a motor vehicle within this state to submit to a preliminary screening test of the person's breath to determine the alcohol concentration of the person's breath if the officer has reasonable grounds to believe that the person:
  - (1) Has alcohol in the person's body;
  - (2) Has committed a traffic infraction; or
  - (3) Has been involved in a motor vehicle accident or collision.
- (b) At the time the test is requested, the person shall be given oral notice that:
  - (1) There is no right to consult with an attorney regarding whether to submit to testing;
  - (2) Refusal to submit to testing is a traffic infraction; and
  - (3) Further testing may be required after the preliminary screening test.
- (c) Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test. Refusal to take and complete the test as requested is a traffic infraction.

#### **Sec. 30b. Ignition Interlock Devices; Tampering.**

- (a) No person shall:
  - (1) Tamper with an ignition interlock device for the purpose

of circumventing it or rendering it inaccurate or inoperative;

- (2) Request or solicit another to blow into an ignition interlock device, or start a motor vehicle equipped with such device, for the purpose of providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device;
- (3) Blow into or start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device; or
- (4) Operate a vehicle not equipped with an ignition interlock device during the restricted period.

(b) Violation of this section shall be punished by a fine of not more than \$2,500.

**Sec. 30c Same; tests for alcohol or drugs; consent implied.**

(a) A person who drives a vehicle or a commercial motor vehicle within the Kickapoo Reservation or lands owned by the Tribe is deemed to have given consent to take a test or tests of that person's blood, breath or urine for the purpose of determining that person's alcohol concentration or the presence of other drugs.

(b) A test or tests may be administered at the direction of a tribal police officer, who after stopping the vehicle or the commercial motor vehicle, has probable cause to believe that driver was driving a vehicle or a commercial motor vehicle while having alcohol or other drugs in such person's system.

**Sec. 30d Alcohol and drug safety action program; evaluation and supervision of persons violating traffic infraction 16-6-30 reports of administrative judge; fees.**

- (a) The Court may order a violator of 16-6-30 to provide the Court with a alcohol and drug evaluation prior to the fine being imposed and the right to drive on the Reservation or other Tribal Lands being restricted or revoked.
- (b) The Court may require completion of an alcohol and drug safety action program, or an alcohol and drug abuse treatment program, before allowing the violator of 16-6-30 to drive on the Reservation or other Tribal Lands.
- (c) The Court shall designate the facility to perform the evaluation or treatment and the violator shall pay the costs of the evaluation or treatment prior to the Court reinstating any driving privileges.

**Sec. 30e Suspension and restriction of driving privileges for test refusal, test failure or alcohol or drug-related conviction.**

(a) If a person refuses a test, the Court shall suspend the person's driving privileges for one year.

(b) If a person fails a test or has an alcohol or drug-related conviction in this state, the Court shall:

(1) On the person's first occurrence, suspend the person's driving privileges for 30 days, then restrict the person's driving privileges to driving to and from work, in the course of the person's employment, to and from Court ordered treatment classes or programs, in the case of medical emergencies, and other reasonable restrictions as imposed by the, for an additional 330 days; and

(2) on the person's second or a subsequent occurrence, suspend the person's driving privileges for one year.

(c) Whenever the Court is notified by an alcohol and drug safety action program that a person has failed to complete any alcohol and drug safety action education or treatment program ordered by a court for a conviction of a violation of 16-6-30, and amendments thereto, the Court shall suspend the person's driving privileges until the Court receives notice of the person's completion of such program.

**Sec. 30e Laboratory analysis fee charged as separate court costs in certain cases.**

(a) Any person violating 16-6-30, and amendments thereto, involving alcohol, drugs or controlled substances, shall pay a separate court cost of not more than \$150.00 for the analysis fee for each forensic science or laboratory test that are rendered or administered by the forensic facility employed to perform the same. The fee shall cover the costs of the forensic testing and the time and expense in transmitting the substances to be tested.

(b) Such fee shall be in addition to and not in substitution for any and all fines otherwise provided for by law for such violations.

**Sec. 30f Other Provisions for 16-6-30 violation.**

(a) Any person stopped and detained for an alleged violation of 16-6-30 violation may be held in the Tribal Police custody and jailed for observation for up to ten (10) hours in a suitable facility. If the person is found to have violated 16-6-30, then the costs of the detention, if any, including jail costs, shall be paid in addition to any other fine or penalty.

(b) The Court may banish a person convicted of 16-6-30 from the Reservation and other Tribal Land.

(c) The Court may order a violator of 16-6-30 to surrender the violator's driver's license to the Court to be held by the Court until the violator completes the Court's requirements and pays all fines and costs imposed herein.

(d) The Tribal Police have the authority to hold a person's vehicle and license until the person appears before the Court.

**Sec. 31. Fleeing or Attempting to Elude a Police Officer.**

(a) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, or otherwise flees or attempts to elude a pursuing police vehicle or police bicycle,



when given visual or audible signal to bring the vehicle to a stop shall be guilty as provided by subsection (b). The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying such officer's badge of office, and such officer's vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or bicycle.

- (b) Every person convicted of violating subsection (a), shall upon first adjudication be fined not more than \$1,000. Every person convicted of violating this section shall upon a second adjudication be fined not more than \$2,500. For the purpose of this section "adjudication" means a final adjudication. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a adjudication.
- (c) Any driver who violates the provisions of subsection (a) and who:
  - (1) Commits any of the following during a police pursuit:
    - (A) Fails to stop for a police road block;
    - (B) Drives around tire deflating devices placed by a police officer;
    - (C) Engages in reckless driving as defined by this Ordinance and amendments thereto;
    - (D) Is involved in any motor vehicle accident or intentionally causes damage to property;
    - (E) Commits five or more moving violations; or
  - (2) Is attempting to elude capture for the commission of any other Traffic Infraction shall be subject to banishment from the Reservation and its Trust Lands. The Court shall determine the period of banishment, but it shall not be less than 30 (30) days nor more than five (5) years.

## **Article 7. Speed Regulations**

**Sec. 32. Speed Limitations; Basic Rule.** No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

### **Sec. 33. Maximum Speed Limits.**

- (a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with Section 32 hereof, and amendments thereto, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:
  - (1) In any business district, 20 miles per hour;
  - (2) In any residential district, 30 miles per hour;

- (3) On any separated multilane highway, as designated and posted by the secretary of transportation, 70 miles per hour;
  - (4) On any Reservation road or highway, 55 miles per hour; and
  - (5) On all other highways, 65 miles per hour.
- (b) No person shall drive a school bus to or from school, or interschool or intra school functions or activities, at a speed greater than 45 miles per hour on any roadway having dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school, or functions or activities, in excess of 55 miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.
- (c) The maximum speed limits in this section may be altered as authorized by this Ordinance.

#### **Sec. 34. Minimum Speed Regulation.**

- (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
- (b) Whenever the Tribal Council determines on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway consistently impede the normal and reasonable movement of traffic, the governing body may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

#### **Sec. 35. Special Speed Limitation on Motor-Driven Cycle.**

No person shall operate any motor-driven cycle at any time mentioned in Section 144 at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

Ref.: Sec. 182.

**Sec. 36. Charging Speed Violations.** In every complaint of violation of any speed regulation in this article, except complaints of violations of Section 32, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location.

**Sec. 37. Racing on Highways.** No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

**Article 8. Driving on Right Side of Roadway;  
Overtaking and Passing; Use of Roadway**

**Sec. 38. Driving on Right Side of Roadway; Exceptions.**

- (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
  - (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements;
  - (2) When an obstruction exists making it necessary to drive to the left of center of the highway; except that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
  - (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
  - (4) Upon a roadway restricted to one-way traffic.
- (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection or into a private road or driveway.
- (c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices, designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)(2) hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway. (K.S.A. 8-1514)

**Sec. 39. Passing Vehicles Proceeding in Opposite Directions.** Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

**Sec. 40. Overtaking a Vehicle on the Left.** The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

- (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

- (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

**Sec. 41. When Passing on the Right is Permitted.**

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
  - (1) When the vehicle overtaken is making or about to make a left turn; or
  - (2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
- (b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

**Sec. 42. Limitations on Overtaking on the Left.** Except as otherwise provided in this article no vehicle shall be driven to the left of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle. (K.S.A. 8-1518)

**Sec. 43. Further Limitations on Driving on Left of Center of Roadway.**

- (a) No vehicle shall be driven to the left side of the roadway under the following conditions:
  - (1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
  - (2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing, except that this section shall not apply to any intersection on a state maintained highway located outside Reservation or its Trust Lands limits unless such intersection is marked by an official department of transportation traffic control device or pavement marking or both indicating that passing is prohibited and such marking is placed at least 100 feet before the intersection; or
  - (3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

- (b) The foregoing limitations shall not apply upon a one-way roadway nor under the conditions described in subsection (a)(2) of Section 38, nor to the driver of a vehicle turning into or from an alley, private road or driveway.

#### **Sec. 44. No-Passing Zones.**

- (a) Whenever signs or markings are in place to define a no-passing zone and clearly visible to an ordinarily observant person no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
- (b) This section shall not apply under the conditions described in subsection (a)(2) of Section 38, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

#### **Sec. 45. One-Way Roadways and Rotary Traffic Islands.**

- (a) When official traffic control devices indicate that vehicular traffic shall proceed in one direction upon any highway, roadway, part of a roadway or specific lanes a vehicle shall be driven only in the direction designated at all or such time as shall be indicated by such device.
- (b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

**Sec. 46. Driving on Roadways Laned for Traffic.** Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

- (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.
- (c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.
- (d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the direction of every such device.

**Sec. 47. Following Too Closely.**

- (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.
- (b) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall leave sufficient space, whenever conditions permit, so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.
- (c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

**Sec. 48. Driving on Divided Highways; Left and U Turns; Controlled-Access Highways.** No person shall:

- (a) Drive a vehicle over, upon or across any intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways on divided highways;
- (b) Make a left turn or a semicircular or "U" turn on the interstate system;
- (c) Make a left turn or a semicircular or "U" turn over, across or within any intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways on a divided highway, except this subsection (c) does not prohibit making a left turn or a semicircular or "U" turn through an opening provided and surfaced for the purpose of public use for such turning movements;
- (d) Make a left turn or a semicircular or "U" turn on a divided highway wherever such turn is specifically prohibited by a sign or signs placed by the authority having jurisdiction over that highway;
- (e) Drive any vehicle on a divided highway except on the proper roadway provided for that purpose and in the proper direction and to the right of the intervening space, physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic between roadways unless directed or permitted to use another roadway by official traffic-control devices or police officers;
- (f) Drive any vehicle onto or from any controlled-access highway except at such entrances and exists as are established by the

authority having jurisdiction over such highway;

- (g) Use controlled-access highway right of way for parking vehicles or mobile equipment, or stacking of materials or equipment, for the purpose of servicing adjacent property; or
- (h) Stop, stand or park vehicles on the right of way of controlled-access highway except for:
  - (1) Stopping of disabled vehicles;
  - (2) Stopping to give aid in an emergency;
  - (3) Stopping in compliance with directions of a police officer or other emergency or safety official;
  - (4) Stopping due to illness or incapacity of driver; or
  - (5) Parking in designated parking or rest areas.

#### **Article 9. Turning and Starting and Signals on Stopping and Turning**

##### **Sec. 49. Turning.**

(a) The driver of a vehicle intending to turn shall do so as follows:

- (1) **Right Turns.** Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (2) **Left Turns.** The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable a left turn at an intersection shall be made to the left of the center of the intersection, and any left turn shall be made so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.

(b) **Two-way left turn lanes.** Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices:

- (1) A left turn shall not be made from any other lane;
- (2) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

(c) When official traffic-control devices are placed within or adjacent to intersections requiring and directing that a different course from that specified in this section be traveled by vehicles turning at an intersection, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices. (K.S.A. Supp. 8-1545)

##### **Sec. 50. Right, Left and U Turns at Intersections: Obedience To.**

- (a) The chief of police is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place or cause to be placed proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or the signs may be removed when such turns are permitted.
- (b) Whenever authorized signs are erected or temporarily displayed on a movable standard indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

**Sec. 51. U Turns; Where Prohibited.** The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district, when posted, nor upon any other street unless such movement can be made in safety without interfering with other traffic.

**Sec. 52. Turning on Curve or Crest of Grade Prohibited.** No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

**Sec. 53. Starting Parked Vehicle.** No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

**Sec. 54. Turning Movements and Required Signals.**

- (a) No person shall turn a vehicle or move right or left upon a highway unless and until such movement can be made with reasonable safety, nor without giving an appropriate signal in the manner hereinafter provided.
- (b) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last 100 feet traveled by vehicle before turning.
- (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- (d) The signals required on vehicles by subsection (b) of Section 149 shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

**Sec. 55. Signals by Hand and Arm or Signal Lamps.** The driver of any motor vehicle or combination of vehicles which is required to be equipped with electric turn signal lamps by Section 149 shall give any required notice of intention to turn by means of electric turn signals meeting the requirements of subsection (b) of Section 161. The driver of any other motor vehicle or combination



of vehicles shall give such notice by means of hand and arm signals, as provided in Section 56, or by such electric turn signals.

**Sec. 56. Methods of Giving Signals.** All signals herein required to be given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (a) Left turn -- hand and arm extended horizontally.
- (b) Right turn -- hand and arm extended upward.
- (c) Stop or decrease of speed -- hand and arm extended downward.

#### **Article 10. Right-of-Way**

##### **Sec. 57. Vehicles Approaching or Entering Intersection.**

- (a) When two vehicles approach or enter an intersection from different highways at approximately the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (b) The right-of-way rule declared in subsection (a) is modified at through highways and otherwise as hereinafter stated in this ordinance.

**Sec. 58. Vehicle Turning Left.** The driver of a vehicle intending to turn to the left within an intersection or into any alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

##### **Sec. 59. Stop Signs and Yield Signs.**

- (a) Preferential right-of-way may be indicated by stop signs or yield signs.
- (b) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. Such driver shall yield the right-of-way to pedestrians within an adjacent crosswalk.
- (c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting

roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. Such driver shall yield the right-of-way to pedestrians within an adjacent crosswalk. If a driver is involved in a collision with a vehicle in the intersection or junction of roadways or with a pedestrian in an adjacent crosswalk, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver's failure to yield the right-of-way.

**Sec. 60. Vehicle Entering Roadway.** The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

**Sec. 61. Operation of Vehicles on Approach of Authorized Emergency Vehicles.**

- (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of subsection (d) of Section 174 and visual signals meeting the requirements of Section 160 of this ordinance or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way, and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

**Sec. 62. Highway Construction and Maintenance.**

- (a) It shall be unlawful for any person to fail, neglect or refuse to comply with restrictions or traffic regulations in a road construction zone or fail to comply with traffic orders or traffic directions by a flagman in a road construction zone.
- (b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any road construction zone, indicated by official traffic-control devices.
- (c) The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of Section 172.

#### **Article 11. Pedestrians**

**Sec. 63. Pedestrians; Obedience to Traffic-Control Devices and Traffic Regulations.**

- (a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.
- (b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in Sections 13 and 14.
- (c) At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this ordinance.

**Sec. 64. Pedestrians' Right-of-Way in Crosswalks; Control Signals.**

- (a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian entering or crossing the roadway within a crosswalk.
- (b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
- (c) Subsection (a) of this section shall not apply under the conditions stated in subsection (b) of Section 65.
- (d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

**Sec. 65. Crossing at Other Than Crosswalks; Jaywalking.**

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- (c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.
- (d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

**Sec. 66. Drivers to Exercise Due Care.** Notwithstanding other provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, and shall give warning by sounding the horn when necessary, and shall exercise proper

precaution upon observing any child or any obviously confused or incapacitated person.

**Sec. 67. Pedestrians to Use Right Half of Crosswalks.** Pedestrians shall move, whenever practicable upon the right half of crosswalks.

**Sec. 68. Pedestrians on Highways.**

- (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- (b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
- (c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
- (d) Except as otherwise provided in this article, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

**Sec. 69. Pedestrians Soliciting Rides or Business.**

- (a) No person shall stand upon or along a street or highway for the purpose of soliciting a ride.
- (b) No person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.
- (c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.
- (d) The soliciting of contributions under subsection (b) shall not be prohibited if such person or organization has first obtained a permit authorizing such soliciting from the Tribal Council.

**Sec. 70. Driving Through Safety Zone Prohibited.** No vehicle shall at any time be driven through or within a safety zone.

**Sec. 71. Pedestrians Right-of-Way on Sidewalks.** The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

**Sec. 72. Pedestrians Yield to Authorized Emergency Vehicles.**

- (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of subsection (d) of Section 174 and visual signals meeting the requirements of Section 160 of this ordinance, or of a police vehicle properly and lawfully making

use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.

- (b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

**Sec. 73. Blind Pedestrian Right-of-Way.** The driver of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog.

**Sec. 74. Pedestrian Under Influence of Alcohol or Drugs.** A pedestrian who is under the influence of alcohol or any drug to a degree which renders such pedestrian a hazard shall not walk or be upon a highway except on a sidewalk.

**Sec. 75. Bridge or Railroad Signals.**

- (a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.
- (b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

**Article 12. Special Stops Required**

**Sec. 76. Obedience to Signal Indicating Approach of Train.**

- (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
  - (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
  - (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
  - (3) A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
  - (4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- (b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

**Sec. 77. All Vehicles Must Stop at Certain Railroad Grade Crossings.** When the Tribal Council has designated a particularly

dangerous highway-grade crossing of a railroad and erected a stop sign thereat, the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

**Sec. 78. Certain Vehicles Must Stop at All Railroad Grade Crossings.**

- (a) Except as provided in subsection (b), the driver of any vehicle described in rules and regulations issued by the Chief of Police before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet, but not less than 15 feet, from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until such driver can do so safely. After stopping as required and upon proceeding when it is safe to do so, the driver of any vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossings and the driver shall not manually shift gears while crossing the track or tracks.
- (b) This section shall not apply at:
  - (1) Any railroad grade crossing at which traffic is controlled by a police officer or human flagman;
  - (2) Any railroad grade crossing at which traffic is controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits a vehicle to proceed across the railroad tracks without slowing or stopping;
  - (3) Any abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned;
  - (4) Any industrial or spur line railroad grade crossing marked with a sign reading "Exempt." Such exempt signs shall be erected only by or with the consent of the Tribal Council;
  - (5) A railroad grade crossing used exclusively for industrial switching purposes, within a business district.

**Sec. 79. Moving Heavy Equipment at Railroad Grade Crossing.**

- (a) No person shall operate or move any crawler type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of 10 or less miles per hour, or a vertical body or load clearance of less than one-half ( $\frac{1}{2}$ ) inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.
- (b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

- (c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
- (d) No such crossing shall be made when warning is given by automatic signal or crossing gates or flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

**Sec. 80. Emerging from Alley or Private Driveway or Building.** The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

**Sec. 81. Overtaking and Passing School Bus.**

- (a) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on the school bus the flashing red lights specified in subsection (a) of Section 170, and the driver shall not proceed until such school bus resumes motion or the flashing red lights and the stop signal arm are no longer actuated.
- (b) Every school bus shall be equipped with red visual signals meeting the requirements of subsection (a) of Section 170 of this ordinance, which may be actuated by the driver of the school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the special visual signals:
  - (1) At intersections or other places where traffic is controlled by traffic-control signals or police officers or;
  - (2) In designated school bus loading areas where the bus is entirely off the roadway.
- (c) Every school bus shall bear upon the front and rear thereof plainly visible:
  - (1) Signs containing the words "School Bus" in letters not less than eight inches in height.
  - (2) Decals stating "Warning, \$100 Fine for Passing Stopped School Bus with Red Lights Flashing and Stop Sign Activated".

When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or to or from interschool or intra

school functions or activities, or for maintenance, repair or storage purposes, all markings thereon indicating "school bus" shall be covered or concealed.

- (d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway, and where pedestrians are not permitted to cross the roadway.

#### **Sec. 82. Overtaking and Passing Church Bus or Day Care Program Bus.**

- (a) The driver of a vehicle meeting or overtaking from either direction any church bus or day care program bus stopped on the highway shall stop before reaching such church bus or day care program bus when there is in operation on said church bus or day care program bus the flashing red lights specified in subsection (a) of Sec. 170, and said driver shall not proceed until such church bus or day care program bus resumes motion or said driver is signaled by the church bus or day care program bus driver to proceed or the flashing red lights and stop signal arm, if any, are no longer actuated.
- (b) If a church bus or day care program bus is equipped with visual signals permitted by subsection (c) of Sec. 171, such signals may be actuated by the driver of said church bus or day care program bus only when such vehicle is stopped on the highway for the purpose of receiving or discharging passengers. A church bus or day care program bus driver shall not actuate said special visual signals:
  - (1) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or
  - (2) In designated loading areas where the bus is entirely off the roadway.
- (c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus or day care program bus which is on a separate roadway or when upon a controlled-access highway and the church bus or day care program bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

#### **Article 13. Stopping, Standing and Parking**

##### **Sec. 83. Stopping, Standing or Parking Outside Business or Residence Districts.**

- (a) Outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon



such highway.

- (b) This section, Section 85 and Section 86 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. (K.S.A. 8-1569)

**Sec. 84. Officers Authorized to Remove Vehicles.**

- (a) Whenever any police officer finds a vehicle in violation of any of the provisions of Section 83, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway.
- (b) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway or in any tunnel in such position, or under such circumstances as to obstruct the normal movement of traffic.
- (c) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:
  - (1) Report has been made that such vehicle has been stolen or taken without the consent of its owner;
  - (2) The person or persons in charge of such vehicle are unable to provide for its custody or removal; or
  - (3) When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before the municipal judge without unnecessary delay.

**Sec. 85. Stopping, Standing or Parking Prohibited in Specified Places.** Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- (a) Stop, stand or park a vehicle:
  - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (2) On a sidewalk;
  - (3) Within an intersection;
  - (4) On a crosswalk;
  - (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
  - (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
  - (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
  - (8) On any railroad tracks;
  - (9) On any controlled-access highway;
  - (10) In the area between roadways of a divided highway, including crossovers; or

- (11) At any place where official signs prohibit stopping.
- (b) Stand or park a vehicle, whether occupied or not except momentarily to pick up or discharge a passenger or passengers:
- (1) In front of a public or private driveway;
  - (2) Within 15 feet of a fire hydrant;
  - (3) Within 20 feet of a crosswalk at an intersection;
  - (4) Within 30 feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;
  - (5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly sign-posted;
  - (6) At any place when official signs prohibit standing.
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers:
- (1) Within 50 feet of the nearest rail of a railroad crossing;
  - (2) At any place where official signs prohibit parking.
- (d) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.
- (e) No person shall stand or park a vehicle in areas designated as fire lanes upon public or private property.

#### **Sec. 86. Stopping or Parking on Roadways.**

- (a) Except where angle parking is permitted by ordinance every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right-hand edge of the right-hand shoulder.
- (b) Except when otherwise provided by ordinance, every vehicle stopped or parked upon a one-way road-way shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
- (c) The governing body may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway.

#### **Sec. 87. Accessible Parking.**

- (a) No person shall stop, stand or park any vehicle in a parking space, whether on public or private property, which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of

persons with a disability unless such vehicle bears a special license plate, permanent placard or temporary placard issued by a sovereignty authorized to issue the same and is being operated by or used for the transportation of a person with a disability or disabled veteran. In addition to the temporary placard, a person issued such temporary placard shall carry the issuing sovereignty's receipt showing the name of the person who is issued such temporary placard. If a parking space on private property is clearly marked as being reserved for the use of a specified person with a disability, it shall be unlawful for any other person to park in such space.

(b) When a motor vehicle which bears a special license plate or placard issued by a sovereignty authorized to issue the same, is being operated by or used for the transportation of a person with a disability, such motor vehicle:

- (1) May be parked in any parking space, whether on public or private property, which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of a person with a disability, except a parking space on private property which is clearly marked as being reserved for the use of a specified person with a disability;
- (2) May be parked for an unlimited period in any parking zone which is restricted as to the length of parking time permitted, except where stopping, standing or parking is prohibited to all vehicles, where parking is reserved for special types of vehicles or where parking would clearly present a traffic hazard; and

(c) Official identification devices issued to persons with a disability by any other tribe, state, district, or territory subject to the laws of the United States, or any foreign jurisdiction, shall be recognized as acceptable identification on the Reservation or its Trust Lands.

- (d) (1) Each designated accessible parking space shall be clearly marked by vertically mounted signs bearing the international symbol of access. Such signs shall be displayed with the bottom of the sign between 36 and 60 inches above the surface of the parking space. Each sign installed on or after July 1, 1995, shall be displayed with the bottom of each sign between 60 and 72 inches above the surface of each parking space.
- (2) All parking shall conform to Title II or Title III, as required by the Americans with disabilities act of 1990, 42 USCA 12101 *et seq.* and 28 CFR Parts 35 and 36.

- (e) (1) Except when necessary to avoid conflict with other traffic, or in compliance with the law or the directions of a law enforcement officer or official traffic-control device, no person shall:
- (A) stop, stand or park a vehicle in any parking space designated as accessible parking without having a special license plate, permanent placard or disabled veteran license plate and an individual identification card, or a valid temporary placard;
  - (B) stop, stand or park a vehicle so that it blocks an access entrance; or

- (C) stop, stand or park a vehicle in an access aisle between or beside a designated accessible parking space.
- (2) Violation of subsection (e)(1) shall result in a fine of not less than \$50 nor more than \$100.
- (3) The provisions of subsection (e)(1) shall be enforced by law enforcement officers on public and private property.
- (f) (1) Any person who willfully and falsely represents that such person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard shall be guilty of a violation of this ordinance and shall be punished by a fine of not more than \$500.
- (2) Any licensee of the healing arts or Christian Science practitioner who willfully and falsely certifies that a person has the qualifications to obtain a special license plate, a permanent placard and an individual identification card or temporary placard shall be guilty of a violation of this ordinance and shall be punished by a fine of not more than \$500.

**Sec. 87a. Accessible Parking; Revoked or Suspended Devices.**

- (a) Any person who utilizes any accessible parking identification device which has expired or has been revoked or suspended shall be guilty of a violation of this ordinance and shall be punished by a fine of not less than \$100 nor more than \$300.
- (b) Any person who utilizes any accessible parking identification device issued to another person, an agency or a business, to park in any parking space specified for disabled persons which could be utilized by a person with a disability, except when transporting or arriving to transport a person with a disability to whom or for whom the identification device was issued shall be guilty of a violation of this ordinance and shall be punished by a fine of not less than \$100 nor more than \$300.

**Sec. 88. Parking for Certain Purposes Prohibited.** No person shall park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale.
- (b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

**Sec. 89. Stall Parking.** Where parking stalls or spaces are marked or designated on the pavement or curb, vehicles shall be parked or stopped within such stalls or spaces in the direction of the flow of traffic or at the angle indicated by the markings.

**Sec. 90. Blocking Traffic; Narrow Streets; Stopping; When.** No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or

signals by a police officer.

**Sec. 91. Parking On Narrow Streets; Signs.** When signs prohibiting parking are erected on narrow streets, no person shall park or stand a vehicle in any such designated place. The chief of police is authorized to erect signs indicating "no parking" upon both sides of any street when the width of the roadway does not exceed 20 feet, or upon one side of a street when the width of the roadway does not exceed 30 feet.

**Sec. 92. Parking in Alley.**

- (a) No person shall park any vehicle in any alley except for the purpose of loading or unloading.
- (b) No person shall park any vehicle in any alley for any time of greater duration than reasonably necessary for the expeditious loading or unloading of materials.

**Sec. 93. Parking Disabled and Other Vehicles.**

- (a) No person shall park or store any motor vehicle or farm machinery, trailer or semitrailer of any kind, or parts of the same, or any dead, damaged or disabled motor vehicle or farm machinery, trailer or semitrailer of any kind, in the roadway of any highway, or between the property line or sidewalk and the curb line of any street.
- (b) A person shall not use the public highway to abandon vehicles or use the highway to leave vehicles unattended in such a manner as to interfere with public highway operations. When a person leaves a motor vehicle on a public highway or other property open to use by the public, the Reservation or its Trust Lands having jurisdiction of such highway or other property open to use by the public, after 48 hours or when the motor vehicle interferes with public highway operations, may remove and impound the motor vehicle.

**Sec. 94. Parking Adjacent to Schools; Signs.** When official signs or markings are placed indicating no parking upon any street adjacent to any school property, no person shall park a vehicle in any such designated place. The chief of police is hereby authorized to erect signs indicating "No Parking" upon either or both sides of any street adjacent to any school property when such parking would unreasonably interfere with traffic or create a hazard to traffic in such places.

**Sec. 95. Stopping or Parking in Hazardous or Congested Places; Signs.** When signs are erected upon approach to hazardous or congested places, no person shall stop, stand or park a vehicle in any such designated place. The chief of police is authorized to determine and designate by proper signs those places where the stopping or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

**Sec. 96. Parking Prohibited at All Times in Designated Places.** When authorized signs are erected giving notice thereof, no person shall park a vehicle at any time upon that portion of any of the streets so posted or signed for "No Parking."

**Sec. 97. Limited Time Parking Zones.** Whenever any appropriate sign shall be placed and maintained in any block by lawful authority of the Tribe giving notice that the street or highway or tribal owned parking lot may be used for parking or standing vehicles for a limited time only, it shall be unlawful for any person to fail or refuse to comply with such sign.

**Sec. 98. Commercial and Delivery Vehicles: Loading and Unloading; Blocking Traffic; Removal of Vehicle; Duty of Police Department.** Subject to any provision prohibiting parking at all times or during specified hours, vehicles used for the transportation of merchandise or materials may stand or be parked at the curb to take on or discharge loads on any street marked for parallel parking: Provided, That such vehicles may be backed into any curb at such times and places when and where the same may not interfere with or become a hazard to vehicular traffic on such street within the block: Provided further, That traffic may be temporarily blocked by any such vehicle backed into any curb to load or unload when the same may be necessary during such times as loading or unloading shall be undertaken in an expeditious manner without any delay, upon prior notice to and under the direction and supervision of the Police Department: provided further, that the driver or some person in charge of such vehicle shall constantly be present or available to remove such vehicle in an emergency and the vehicle shall be removed immediately upon the same being loaded or unloaded as the case may be. The chief of police may place suitable warning signs to direct or control traffic during the time any street may be blocked or traffic restricted from its normal flow or course.

**Sec. 99. Loading, Unloading or Special Zones.** Whenever any appropriate sign shall be placed or marked along any street or highway by lawful authority of the tribe giving notice of any special use of the roadway adjacent thereto for the loading or unloading of merchandise or passengers or the standing of taxicabs, buses or for other authorized purposes, it shall be unlawful for any person to refuse or fail to comply with such sign.

**Sec. 100. Citation on Illegally Parked Vehicles.** Whenever any motor vehicle without driver is found parked, standing or stopped in violation of this ordinance, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation.

**Sec. 101. Failure to Comply With Traffic Citation Attached to Parked Vehicle.** If a violator of restrictions on stopping, standing or parking does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk of the court, shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of five days a summons will be issued.

**Sec. 102. Presumption in Reference to Illegal Parking.**

- (a) In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the

complaint was in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

- (b) The foregoing stated presumption shall apply only when the procedure as prescribed in Sections 100 and 101 has been followed.

#### **Article 14. Miscellaneous Rules**

##### **Sec. 103. Using Headphones or Television Receivers in Vehicles.**

- (a) No person shall operate any motor vehicle on the streets, alleys, or roadways of the Reservation or its Trust Lands while wearing headphones which in any way interfere with hearing of traffic noise, or warning devices or signals.
- (b) No motor vehicle operated on the streets of this Reservation or its Trust Lands shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat. This section does not prohibit:
  - (1) The use of television-type receiving equipment used exclusively for safety or law enforcement purposes, if such use is approved by the chief of police; or
  - (2) Electronic displays used in conjunction with vehicle navigation systems.

**Sec. 104. Inattentive Driving.** Every driver whose vehicle, because of his or her driving error or negligent inattention, collides with another vehicle, a person or fixed object, shall be guilty of inattentive driving and in violation of this section.

##### **Sec. 105. Reserved for future use.**

##### **Sec. 106. Transportation of Alcoholic Beverage.**

- (a) No person shall transport in any vehicle upon a highway or street any alcoholic beverage.
- (b) Violation of this section is punishable by a fine of not more than \$200.
- (c) Except as provided in subsection (e) upon adjudication or adjudication of a second or subsequent violation of this section, the judge, in addition to any other disposition ordered pursuant to law, shall suspend the person's driver's license or privilege to operate a motor vehicle on the streets and highways of this Reservation and its Trust Lands for one year.
- (d) Upon suspension of a license pursuant to this section, the

court may also and in addition to the suspension banish the defendant from the Reservation and its Trust Lands for a period not to exceed one (1) year.

- (e) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this Tribe of any person convicted of violating this section, as provided in subsection (c), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this Tribe, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this Tribe. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year for a second violation.
- (f) It shall be an affirmative defense to any prosecution under this section that an occupant of the vehicle other than the defendant was in exclusive possession of the alcoholic beverage.
- (g) The court shall report to the chief of police all violations of this section.
- (h) For the purpose of determining whether a adjudication is a first, second or subsequent adjudication in sentencing under this section:
  - (1) Adjudication includes being convicted of a violation of an ordinance of any sovereignty, or resolution of any sovereignty, which prohibits the acts that K.S.A. 41-804, as amended, prohibits;
  - (2) Only adjudications occurring in the immediately preceding five years shall be taken into account, but the court may consider other prior adjudications in determining the fines and other civil sanctions to be imposed within the limits provided for a first, second or subsequent offender, whichever is applicable; and
  - (3) It is irrelevant whether an offense occurred before or after adjudication for a previous offense.

**Sec. 107. Unattended Motor Vehicle; Ignition; Key and Brakes.** No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

**Sec. 108. Obstruction of Driver's View or Driving Mechanism.**

- (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- (b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.



**Sec. 109. Coasting.**

- (a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.
- (b) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged.

**Sec. 110. Following Fire Apparatus Prohibited.** The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop such vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm.

**Sec. 111. Crossing Fire Hose.** No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

**Sec. 112. Putting Glass, Etc. on Highway Prohibited.**

- (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.
- (b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

**Sec. 113. Stop When Traffic Obstructed.** No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed.

**Sec. 114. Snowmobile Operation Limited.** No person shall operate a snowmobile on any controlled-access highway. No person shall operate a snowmobile on any other highway, except when crossing the highway at a right angle, or when use of the highway by other motor vehicles is impossible because of snow, or when such operation is authorized by the Tribal Council.

**Sec. 114a. Unlawful Operation of All-Terrain Vehicle.**

- (a) Except as provided in subsection (b), it shall be unlawful for any person to operate an all-terrain vehicle on any interstate highway, federal highway or state highway.
- (b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a Tribal Agency may be allowed to operate such all-terrain vehicles upon the right-of-

way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.

- (c) No all-terrain vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

**Sec. 115. Unlawful Riding on Vehicles; Persons 14 Years of Age and Older.**

- (a) It shall be unlawful for any person 14 years of age or older to ride on any vehicle or upon any portion thereof not designed or intended for use of passengers when the vehicle is in motion.
- (b) It shall be unlawful for the operator of any vehicle to allow any person 14 years of age or older to ride on any vehicle or upon any portion thereof not designated or intended for the use of passengers when the vehicle is in motion.
- (c) This section shall not apply to:
  - (1) An employee engaged in the necessary discharge of the employee's duty within truck bodies in space intended for merchandise or cargo; or
  - (2) When the vehicle is being operated in parades, caravans or exhibitions which are officially authorized or otherwise permitted by law.

**Sec. 116. Driving Upon Sidewalk.** No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

**Sec. 117. Limitations on Backing.**

- (a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.
- (b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

**Sec. 118. Driving Through or On Private Property to Avoid Traffic Control Devices.** No person shall drive through the property of a gasoline service station or the service entrance of any public or private property adjacent to any street intersection to avoid any official traffic control device or short cut from one street to another.

**Sec. 119. Parades and Processions.** No funeral procession or parade of persons or vehicles, excepting the military forces of the United States, or the forces of the tribal police and fire departments, shall occupy, march or proceed along any highway until the chief of police shall have been notified by the person or persons in charge thereof and until the chief shall have made provision for such purpose together with a police escort if he or she deems such escort necessary.

**Sec. 120. Driving through Procession.** It shall be unlawful for the driver of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion provided such vehicles are conspicuously so designated. This section shall not apply at intersections where traffic is controlled by traffic-control devices or police officers.

**Sec. 121. Military Forces.** The military forces of the United States and the State of Kansas, while on any authorized duty involving controlled movement of military convoys, critical supplies or equipment, or during any national or tribal emergency, shall not be restricted by traffic regulations, and shall have the right-of-way on any street or highway through which they may pass against all except carriers of the United States mail and other emergency vehicles.

**Sec. 122. Street Barriers.** Whenever any street or alley or part thereof is closed for repair, rebuilding, construction or reconstruction and suitable warning signs and barricades, which so advise the public, are erected at all intersections of the closed street or alley with all other streets and alleys, it shall be unlawful for any person or operator without authority from the proper official to:

- (a) Destroy or remove any barricade, warning sign, light or torch used to close the street or alley or warn the public of the closing.
- (b) Drive on that portion of the street or alley that is closed: Provided, however, That nothing in this section shall be construed as prohibiting the regular authorities of the tribal government from having free access to the work at all times.

**Sec. 123. Opening and Closing Vehicle Doors.** No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

**Sec. 124. Riding in House Trailer Prohibited.** No person or persons shall occupy a house trailer while it is being moved upon a public street or highway.

**Sec. 125. Driving Across Lawns, Sidewalks, Yards, Crops, Etc.** It shall be unlawful for any person to drive a motor vehicle upon, across or onto the lawn, sidewalk, yard, farmland, crops or fences or other real or personal property of another person, intentionally damaging the same.

**Sec. 126. Removal of Traffic Hazards.**

- (a) It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard.
- (b) When the tribal council determines upon the basis of an

engineering and traffic investigation that such a traffic hazard exists, it shall notify the owner and order that the hazard be removed within 10 days.

- (c) The failure of the owner to remove such traffic hazard within 10 days shall constitute an offense punishable by a penalty of \$10 and every day said owner shall fail to remove it shall be a separate and distinct offense.

#### **Article 15. Operation of Bicycles, Motorized Bicycles, Low Power Cycles and Play Vehicles**

##### **Sec. 127. Effect of Regulations.**

- (a) Violation of any provision of Sections 128 to 133, inclusive, is a traffic infraction.
- (b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of Sections 128 to 133, inclusive.
- (c) The provisions of Sections 128 to 133, inclusive, which are applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

**Sec. 128. Traffic Laws Apply to Persons Riding Bicycles.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except as otherwise provided in Sections 127 to 133, inclusive, of this article and except as to those provisions of this ordinance which by their nature can have no application.

##### **Sec. 129. Riding on Bicycles; Seats; Riders Limited.**

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

**Sec. 130. Clinging to Vehicles.** No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

##### **Sec. 131. Riding on Roadways and Bicycle Paths.**

- (a) Every person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right side of the roadway as practicable, except under any of the following situations when:
  - (1) Overtaking and passing another bicycle or vehicle proceeding in the same direction;
  - (2) Preparing for a left turn at an intersection or into a

- private road or driveway; or
- (3) Reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving bicycles, pedestrians, animals, surface hazards or narrow width lanes that make it unsafe to continue along the right hand edge of the roadway.
  - (b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near to the left side of the roadway as practicable.
  - (c) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
  - (d) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

**Sec. 132. Carrying Articles.** No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

**Sec. 133. Lamps and Other Equipment on Bicycles.**

- (a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the chief of police which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.
- (b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.
- (c) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflector of a type approved by the chief of police on each pedal of such bicycle which is visible from the front and rear of the bicycle during darkness from a distance of 200 feet.

**Sec. 134. Application of Sec. 127 to Sec. 133 to Motorized Bicycles.** The provisions of Sections 127 to 133, inclusive, shall be applicable to motorized bicycles, and every person operating a motorized bicycle shall be subject to the provisions thereof.

**Sec. 135. Low Power Cycles, Traffic Law Application.** Traffic regulations applicable to bicycles shall apply to low power cycles except tricycles with no brake horse power.

**Sec. 136. Use of Coasters, Roller Skates and Similar Devices Restricted.** No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street at a crosswalk and except upon streets set aside as play streets.

## **Article 16. Special Rules For Motorcycles**

**Sec. 137. Traffic Laws Apply to Persons Operating Motorcycles.** Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this ordinance, except as provided in Section 138 to 142, inclusive, and except as to those provisions of this ordinance which by their nature can have no application.

### **Sec. 138. Riding on Motorcycles.**

- (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.
- (b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.
- (c) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.
- (d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

### **Sec. 139. Operating Motorcycles on Roadways Laned for Traffic.**

- (a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.
- (b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
- (d) Motorcycles shall not be operated more than two abreast in a single lane.
- (e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

**Sec. 140. Clinging to Other Vehicles.** No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

### **Sec. 141. Motorcycle Footrests and Handlebars.**

- (a) A motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with a seat and footrests for such passenger.
- (b) No person shall operate any motorcycle with handlebars so positioned that the hands of the operator, when upon the grips are at or above his shoulder height when sitting astride the seat, with the vehicle in an upright position.

**Sec. 142. Equipment for Motorcycle Operator or Rider.**

- (a) No person under the age of 18 years shall operate or ride upon a motorcycle or a motorized bicycle unless wearing a helmet which complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 for helmets designed for use by motorcyclists and other motor vehicle users.
- (b) No person shall operate a motorcycle unless he or she is wearing an eye-protective device which shall consist of protective glasses, goggles or transparent face shields which are shatter proof and impact resistant, except when the motorcycle is equipped with a windscreen which has a minimum height of 10 inches measured from the center of the handlebars.
- (c) This section shall not apply to persons riding within an enclosed cab or on a golf cart, nor shall it apply to any person operating or riding any industrial or cargo-type vehicle having three wheels and commonly known as a truckster.

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**Article 17. Lights, Brakes, Horns and Other  
Equipment**

**Sec. 143. Scope and Effect of Regulations.**

- (a) It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any highway, any vehicle or combination of vehicles which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article, or which is equipped in any manner in violation of any section of this article, or for any person to do any act forbidden or fail to perform any act required by any provision of any section of this article.
- (b) Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this article.
- (c) The provisions of this article with respect to equipment required on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as specifically made applicable in this article.
- (d) The provisions of this article with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles, except as specifically made applicable

by law.

**Sec. 144. When Lighted Lamps Required; Visibility Distance and Mounted Height of Lamps.**

- (a) Every vehicle, except as provided in subsection (b), upon a highway within this state, at any time from sunset to sunrise and at any other time, when due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead, shall display lighted head and other lamps and illuminating devices as required for different classes of vehicles, subject to exceptions with respect to parked vehicles. Stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.
- (b) Motorcycles, motor-driven cycles and motorized bicycles manufactured after January 1, 1978, shall display lighted head and tail lights at all times that such vehicles are operated on any highway.

**Sec. 145. Visibility Distance and Mounted Height of Lamps.**

- (a) Whenever any requirement is declared in this article as to the distance from which certain lamps and devices shall render objects visible or within such lamps or devices shall be visible, said provisions shall apply, during the times stated in Section 144 in respect to a vehicle without load upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.
- (b) Whenever any requirement is declared in this article as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

**Sec. 146. Head Lamps on Motor Vehicles.**

- (a) Every motor vehicle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article.
- (b) Every head lamp upon every motor vehicle manufactured or assembled after July 1, 1959, shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in subsection (b) of Section 145.

**Sec. 147. Tail Lamps.**

- (a) Every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in Section 144, shall emit a red light plainly visible from a distance of 1,000 feet to the rear, except that passenger cars manufactured or assembled prior to July 1, 1959, shall have at least one tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need



actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

- (b) Every tail lamp upon every vehicle shall be located at a height of not more than 72 inches nor less than 15 inches.
- (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render is clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever head lamps or auxiliary driving lamps are lighted.

**Sec. 148. Reflectors.**

- (a) Every motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section: provided, that vehicles of the types mentioned in Section 151 shall be equipped with reflectors meeting the requirements of subsection (a) of Section 153 and subsection (a) of Section 154.
- (b) Every such reflector shall be mounted on the vehicle at a height not less than 15 inches nor more than 60 inches measured as set forth in subsection (b) of Section 145 and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 600 feet to 100 feet from such vehicle when directly in front of lawful lower beams of head lamps, except that reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be visible at night from all distances within 350 feet to 100 feet when directly in front of lawful upper beams of head lamps.

**Sec. 149. Stop Lamps and Turn Signals.**

- (a) Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two or more stop lamps meeting the requirements of subsection (a) of Section 161, except that passenger cars manufactured or assembled prior to January 1, 1953, shall be equipped with at least one stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in subsection (a) of Section 161.
- (b) Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of subsection (b) of Section 161, except that passenger cars and trucks less than 80 inches in width, manufactured or assembled prior to January 1, 1953 need not be equipped with electric turn signal lamps.

**Sec. 150. Application of Succeeding Sections.** Sections 151 to 155, inclusive, relating to clearance lamps, marker lamps and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck-tractors, motor homes, motor vehicles with mounted truck-campers, and trailers,

semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicle shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in Section 144. For purposes of the sections enumerated above, a truck-camper, when mounted upon a motor vehicle, shall be considered part of the permanent structure of that motor vehicle.

**Sec. 151. Additional Equipment Required on Certain Vehicles.** In addition to other equipment required by this ordinance, the following vehicles shall be equipped as herein stated.

- (a) Buses, trucks, motor homes, and motor vehicles with mounted truck-camper, 80 inches or more over-all width:
  - (1) On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (g).
  - (2) On the rear, two clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (g).
  - (3) On each side, two side marker lamps, one at or near the front and one at or near the rear.
  - (4) On each side, two reflectors, one at or near the front and one at or near the rear.
- (b) Trailers and semitrailers 80 inches or more in over-all width, except boat trailers and house trailers for which special permits are required for movement:
  - (1) On the front, two clearance lamps, one at each side.
  - (2) On the rear, two clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (g).
  - (3) On each side, two side marker lamps, one at or near the front and one at or near the rear.
- (c) Trailers and semitrailers, except boat trailers and house trailers for which special permits are required for movement of such house trailers upon the highways of this state: On each side, two reflectors, one at or near the front and one at or near the rear.
- (d) Truck-tractors: On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after July 1, 1959, three identification lamps meeting the specifications of subsection (g).
- (e) Trailers, semitrailers and pole trailers 30 feet or more in over-all length: On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle.
- (f) Pole trailers:
  - (1) On each side, one amber marker lamp at or near the front of the load.
  - (2) One amber reflector at or near the front of the load.

- (3) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.
- (g) Whenever required or permitted by this article, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than 12 inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical center line: provided, that where the cab of a vehicle is not more than 42 inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps.
- (h) Boat trailers 80 inches or more in over-all width:
  - (1) On each side, at or near the midpoint, one clearance lamp performing the function of both a front and rear clearance lamp.
  - (2) On each side, two side marker lamps, one at or near the front and one at or near the rear.
  - (3) On each side, two reflectors, one at or near the front and one at or near the rear.

**Sec. 152. Color of Clearance Lamps, Identification Lamps, Side Marker Lamps, Backup Lamps and Reflectors.**

- (a) Front clearance lamps, identification lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.
- (b) Rear clearance lamps, identification lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

**Sec. 153. Mounting of Reflectors, Clearance Lamps and Side Marker Lamps.**

- (a) Reflectors when required by Section 151 shall be mounted at a height not less than 24 inches and not more than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 24 inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet the other reflector requirements of this article.

- (b) Clearance lamps, so far as is practicable, shall be mounted on the permanent structure of the vehicle in such a manner

as to indicate the extreme height and width of the vehicle, except that when rear identification lamps are required and are mounted as high as is practicable, rear clearance lamps may be mounted at optional height and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck-tractors shall be located so as to indicate the extreme width of the truck-tractor cab. Clearance lamps and side marker lamps may be mounted in combination if illumination is given as required herein with reference to both.

**Sec. 154. Visibility of Reflectors, Clearance Lamps, and Marker Lamps.**

- (a) Every reflector upon any vehicle referred to in Section 151 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful lower beams of head lamps, except that the visibility of reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.
- (b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at all distances between 500 feet and 50 feet from the front and rear, respectively, of the vehicle.
- (c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between 500 feet and 50 feet from the side of the vehicle on which mounted.

**Sec. 155. Obstructed Lights Not Required.** Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicles required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

**Sec. 156. Lamps or Flags on Projecting Loads.**

- (a) Whenever the load upon any vehicle extends more than six inches beyond the sides or four feet or more beyond the rear of the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in Section 144, two red lamps visible from a distance of at least 500 feet to the rear, two red reflectors visible at night from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps and located so

as to indicate maximum width, and on each side one red lamp visible from a distance of at least 500 feet to the side and located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags, not less than 12 inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this section.

- (b) No passenger type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders of the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

#### **Sec. 157. Lamps on Parked Vehicles.**

- (a) Every vehicle shall be equipped with one or more lamps which, when lighted, shall display a white or amber light visible from a distance of 1,000 feet to the front of the vehicle, and a red light visible from a distance of 1,000 feet to the rear of the vehicle. The location of said lamp or lamps always shall be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.
- (b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise, and in the event there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet upon such street or highway, no lights need be displayed upon such parked vehicle.
- (c) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object with a distance of 1,000 feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (a).
- (d) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

**Sec. 158. Lamps on Other Vehicles and Equipment.** Every vehicle, including animal-drawn vehicles and vehicles referred to in subsection (c) of Section 143, not specifically required by the provisions of other sections in this article to be equipped with lamps or other lighting devices, shall be equipped, at all times specified in Section 144, with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of said vehicle, and also shall be equipped with two lamps displaying red lights visible from a distance of not less than 1,000 feet to the rear, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of head lamps.

## **Sec. 159. Spot Lamps and Auxiliary Lamps.**

- (a) **Spot Lamps.** Any motor vehicle may be equipped with not to exceed two spot lamps. Every lighted spot lamp emitting a white light shall be so aimed and used that no part of the high-intensity portion of the beam will strike the windshield or any windows, mirror or occupant of another vehicle in motion. The limitations of this subsection shall not apply to a police vehicle used as an authorized emergency vehicle.
- (b) **Fog Lamps.** Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands, and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head-lamp beams as specified in subsection (a)(2) of Section 164 of this ordinance.
- (c) **Auxiliary Passing Lamps.** Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of Section 164 shall apply to any combination of head lamps and auxiliary passing lamps.
- (d) **Auxiliary Driving Lamps.** Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of Section 164 shall apply to any combination of head lamps and auxiliary driving lamps. (K.S.A. 8-1719)

## **Sec. 160. Authorized Emergency Vehicles.**

- (a) Except as provided in subsection (b), every authorized emergency vehicle, in addition to any other equipment required by this ordinance, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, or in lieu thereof, any such authorized emergency vehicle shall be equipped with at least one rotating or oscillating light, which shall be mounted as high as practicable on such vehicle and which shall display to the front and rear of such vehicle a flashing red light or alternate flashes of red and white lights or red and blue lights in combination. All lights required or authorized by this subsection shall have sufficient intensity to be visible at 500 feet in normal sunlight. Every authorized emergency vehicle may, but need not, be equipped with head lamps which alternatively flash from high to low beam or simultaneously flash high to low beam.

(b) A police vehicle when used as an authorized emergency vehicle may, but need not, be equipped with:

- (1) Head lamps which alternately flash from high to low beam or simultaneously flash from high to low beam;
- (2) Flashing lights specified in subsection (a), but any flashing lights, used on a police vehicle, other than the flashing lights specified in Section 162, rotating or oscillating lights or alternately flashing head lamps or simultaneously flashing head lamps, shall be red in color; or
- (3) Rotating or oscillating lights, which may display a flashing red light or alternate flashes of red and blue lights in combination.

(c) A person, partnership, association, corporation, municipality or public official shall not operate, or cause to be operated upon a public highway, road or street within this Reservation or its Trust Lands, a motor vehicle with a red light, siren or both unless the vehicle has been designated as an authorized emergency vehicle.

#### **Sec. 161. Signal Lamps and Signal Devices.**

(a) Any vehicle may be equipped and when required under this ordinance shall be equipped with a stop lamp or stop lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 300 feet to the rear in normal sunlight, and which shall be actuated upon application of the service or foot brake, and which may but need not be incorporated with one or more other rear lamps.

(b) Any vehicle may be equipped and when required under this ordinance shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit amber light. Provided, that on any vehicle manufactured prior to July 1, 1973, the lamps showing to the front may emit white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light or any shade of color between red and amber. Turn signal lamps shall be visible from a distance of not less than 500 feet to the front and rear in normal sunlight. Turn signal lamps may but need not be incorporated in other lamps on the vehicle.

#### **Sec. 162. Vehicular Hazard Warning Lights.**

(a) Any vehicle may be equipped with lamps for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing.

(b) Every bus, truck, truck-tractor, trailer, semi-trailer or pole

trailer 80 inches or more in overall width or 30 feet or more in overall length shall be equipped with lamps meeting the requirements of this section.

- (c) Vehicular hazard warning signal lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing amber light. On any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. Such warning lights shall be visible from a distance of not less than 500 feet in normal sunlight.
- (d) Any police vehicle, when used as an authorized emergency vehicle, may be equipped with warning lamps mounted as widely spaced laterally as practicable either inside such vehicle in front of the rear window or on the roof of such vehicle and capable of displaying two alternately flashing amber lights to the rear of such vehicle. Such warning lamps may be used in lieu of or in combination with any other vehicular hazard warning signal lamps used to display such warning to the rear, and shall be visible from a distance of not less than 500 feet in normal sunlight.
- (e) Every truck designed and used for collection and disposal of domestic or commercial waste or trash shall be equipped as provided in subsection (c) and shall operate such lamps when collecting or transporting waste or trash and traveling 15 miles per hour or less.

#### **Sec. 163. Additional Lighting Equipment.**

- (a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.
- (b) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side which shall emit a white or amber light without glare.
- (c) Any motor vehicle may be equipped with one or more back-up lamps, either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.
- (d) Any vehicle 80 inches or more in overall width, if not otherwise required by Section 151 may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare, and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in subsection (g) of Section 151.
- (e) Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashing in conjunction with



turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber and side marker lamps located toward the rear shall be red.

**Sec. 164. Multiple-Beam Road-Lighting Equipment.**

- (a) Except as hereinafter provided, the head lamps, or the auxiliary driving lamps or the auxiliary passing lamp or combination thereof, on motor vehicles other than motorcycles shall be so arranged that the driver may select at will between distribution of light projected to different elevations, and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:
  - (1) There shall be an uppermost distribution of light or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 450 feet ahead for all conditions of loading.
  - (2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.
- (b) Every new motor vehicle registered with this tribe or the state of Kansas which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

**Sec. 165. Use of Multiple-beam Road-lighting Equipment.**

When a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times specified in Section 144 of this ordinance the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

- (a) When the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in subsection (a)(2) of Section 164 or subsection (b) of Section 187, shall be dimmed to avoid glare at all times, regardless of road contour and loading.
- (b) When the driver of a vehicle approaches another vehicle from the rear, within 300 feet, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this article other than the uppermost distribution of light specified in subsection (a)(1) of Section 164 or subsection (b) of Section 187.
- (c) The requirements in subsections (a) and (b) shall not apply

to authorized emergency vehicles displaying alternately flashing or simultaneously flashing head lamps as provided in Section 160.

**Sec. 166. Single-beam Road-lighting Equipment Permitted on Certain Vehicles.** Head lamp systems which provide only a single distribution of light shall be permitted on all farm tractors, regardless of date of manufacture, and on other motor vehicles manufactured and sold prior to July 1, 1938, in lieu of multiple-beam road-lighting equipment herein specified, if the single distribution of light complies with the following requirements and limitations:

- (a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light at a distance of 25 feet ahead shall project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.
- (b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

**Sec. 167. Alternate Road-lighting Equipment on Certain Vehicles; Limitations on Speed.** Any motor vehicle may be operated under the conditions specified in Sec. 144 when equipped with two lighted lamps upon the front thereof capable of revealing persons and vehicles 100 feet ahead in lieu of lamps required in Sec. 164 or Sec. 166: Provided, That at no time shall it be operated at a speed in excess of 25 miles per hour.

**Sec. 168. Number of Driving Lamps Required or Permitted.**

- (a) At all times specified in Section 144 of this ordinance, at least two lighted head lamps shall be displayed, one on each side at the front of every motor vehicle except when such vehicle is parked subject to the regulations governing lights on parked vehicles.
- (b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

**Sec. 169. Special Restrictions on Lamps.**

- (a) During the time specified in Section 144 any lighted lamps or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, and school bus warning lamps which project a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.
- (b) Except as required or permitted in Sections 160 and 170, no person shall drive or move any vehicle or equipment upon

any highway with any lamp or device capable of displaying a red light visible from directly in front of the center thereof, nor shall any vehicle or equipment upon any highway have any lamp or device displaying any color of light visible from directly in front of the center thereof except white or amber or any shade of color between white and amber.

- (c) Flashing lights are prohibited except as authorized or required in Sections 160, 161, 163(e), 170 and 172.
- (d) The flashing lights described in Sections 160 and 170 shall not be used on any vehicle other than a school bus, church bus or day program bus as defined in Section 171, or an authorized emergency vehicle.
- (e) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber. (K.S.A. 8-1729)

#### **Sec. 170. School Buses.**

- (a) Every school bus, in addition to any other equipment and distinctive markings required by this ordinance, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall be visible at 500 feet in normal sunlight.
- (b) Any school bus, in addition to the lights required by subsection (a), may be equipped with yellow signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two alternately flashing yellow lights to the front and two alternately flashing yellow lights to the rear, and these lights shall be visible at 500 feet in normal sunlight. These lights shall be displayed by the school bus driver at least 200 feet, but not more than 1,000 feet, before every stop at which the alternately flashing red lights required by subsection (a) will be actuated.

#### **Sec. 171. Lighting Equipment and Warning Devices on Church Buses and Day Care Program Buses.**

- (a) As used in this section, "religious organization" means any organization, church, body of communicants or group, gathered in common membership for mutual edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place.
- (b) Any church bus, or day care program bus, in addition to any other equipment and distinctive markings required by law, may be equipped with:
  - (1) Signal lamps which conform to the requirements of Section 170, and rules and regulations adopted

- pursuant thereto; and
- (2) A stop signal arm which conforms to requirements therefor applicable to school buses which have been adopted by rules and regulations of the Chief of Police.

**Sec. 172. Highway Construction and Maintenance Vehicles.**

It shall be unlawful to operate any snow removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted by the Chief of Police.

**Sec. 173. Brakes; Performance Requirements.**

- (a) Every motor vehicle and every combination of vehicles shall have a service braking system which will stop such vehicle or combination within 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard surface.
- (b) Every motor vehicle and combination of vehicles shall have a parking brake system adequate to hold such vehicle or combination on any grade on which it is operated under all conditions of loading, on a surface free from snow, ice or loose material.

**Sec. 174. Horns and Warning Devices.**

- (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation shall give audible warning with his horn, but shall not otherwise use such horn when upon a highway.
- (b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren or bell, except as otherwise permitted in this section.
- (c) Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal may use a whistle, bell, horn or other audible signal but shall not use a siren.
- (d) Every authorized emergency vehicle shall be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred 500 feet and of a type approved by the commission, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

**Sec. 175. Noise Prevention; Mufflers.**

- (a) Every vehicle shall be equipped, maintained and operated so

as to prevent excessive or unusual noise. Every motor vehicle at all times shall be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation, and no person shall use a muffler cutout, bypass or similar device.

- (b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

**Sec. 176. Mirrors.**

- (a) Every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so located as to reflect to the driver a view of the highway to the rear of the vehicle.
- (b) Every motor vehicle, except a motorcycle, shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway to the rear of the vehicle.
- (c) All mirrors required by regulations of the United States department of transportation shall be maintained in good condition.

**Sec. 177. Windshields Must Be Unobstructed and Equipped With Wipers; Eye Protection.**

- (a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings, side or rear windows of such vehicle which substantially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.
- (b) No person shall drive any motor vehicle with a damaged front windshield or side or rear windows which substantially obstructs the driver's clear view of the highway or any intersecting highway.
- (c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- (d) Every windshield wiper upon a motor vehicle shall be maintained in good working order.
- (e) The driver of a motor vehicle which is not equipped with a windshield shall wear an eye-protective device.

**Sec. 178. Restrictions as to Tire Equipment.**

- (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
- (b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.

- (c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire except that it shall be permissible to use:
- (1) Farm machinery with tires having protuberances which will not injure the highway;
  - (2) Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid;
  - (3) Studded traction equipment upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; or
  - (4) Pneumatic tires having metallic or nonmetallic studs designed to improve traction without materially injuring the surface of the highway.
- (d) The governing body may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this ordinance.
- (e) It is unlawful for any person to operate a motor vehicle or combination of vehicles having one or more tires in an unsafe condition. A solid rubber tire is in an unsafe condition if it does not comply with the provisions of subsection (a). A pneumatic tire is in an unsafe condition if it has:
- (1) Any part of the ply or cord exposed;
  - (2) Any bump, bulge or separation;
  - (3) A tread design depth of less than one-sixteenth (1/16) inch measured in any two or more adjacent tread grooves, exclusive of tie bars, or, for those tires with tread wear indicators worn to the level of the tread wear indicators in any two tread grooves;
  - (4) A marking "not for highway use" or "for racing purposes only" or "unsafe for highway use";
  - (5) Tread or sidewall cracks, cuts or snags deep enough to expose the body cord;
  - (6) Been regrooved or recut below the original tread design depth, excepting special taxi tires which have extra undertread rubber and are identified as such; or
  - (7) Such other conditions as may be reasonably demonstrated to render it unsafe.
- (f) The provisions of subsection (e) shall not apply to a vehicle or combination of vehicles being transported by a wrecker or tow truck.
- (g) It shall be unlawful for any person to operate a vehicle with a single tire on any hubs configured for a dual tire assembly. The provisions of this subsection shall not apply:
- (1) To any truck registered for a gross weight of 20,000 pounds or less;
  - (2) To any vehicle or combination of vehicles operating with wide-base single tires, as defined in K.S.A. Supp. 8-1742b, and amendments thereto, on any hubs

- configured for a dual tire assembly;
- (3) To any single axle with hubs configured for a dual tire assembly when such single axle does not exceed 9,000 pounds and is a part of a triple-axle combination; or
  - (4) In cases of emergency.
- (h) No person in the business of selling tires shall sell or offer for sale for highway use any tire which is in unsafe condition or which has tread depth of less than one-sixteenth (1/16) inch measured as specified in subsection (e).

**Sec. 178a. Wide-Base Single Tires.**

- (a) The following shall apply where wide-base single tires are used in the operation of any vehicle or combination of vehicles:
- (1) The maximum load for a wide-base single tire on a steering axle shall not exceed 600 pounds per inch of tire section width. The maximum load for a wide-base single tire on any other axle shall not exceed 575 pounds per inch of tire section width;
  - (2) No wide-base single tire shall exceed the load designated by the manufacturer; and
  - (3) The maximum tire inflation pressure shall be as designated by the manufacturer.
- (b) The provisions of paragraph (1) of subsection (a) shall apply to all wide-based single tires purchased after July 1, 1993.

**Sec. 179. Spilling Loads on Highways Prohibited.**

- (a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that:
- (1) This section shall not prohibit necessary spreading of any substance in highway maintenance or construction operations; and
  - (2) Subsections (a) and (c) shall not apply to trailers or semitrailers when hauling livestock if such trailers or semitrailers are properly equipped with a cleanout trap and such trap is operated in a closed position unless material is intentionally spilled when the trap is in a closed position. Paragraph (2) shall not apply to trailers or semitrailers used for hauling livestock when livestock are not being hauled in such trailers or semitrailers.
- (b) All trailers or semitrailers used for hauling livestock shall be cleaned out periodically.
- (c) No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

**Sec. 180. Trailers and Towed Vehicles; Drawbar Connections and Safety Hitch.**

- (a) When one vehicle is towing another, the drawbar, towbar or other connections shall be of sufficient strength to pull, stop and hold all weight towed thereby, and so designed, constructed and installed as to insure that any vehicle or motor vehicle towed on a level, smooth, paved surface will follow in the path of the towing vehicle when it is moving in a straight line. In addition to the drawbar connections between any two such vehicles, there shall be provided an adequate safety hitch.
- (b) When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.
- (c) Motor vehicles in transit may be transported in combination by means of towbar, saddlemount or fullmount mechanisms, utilizing the motive power of one of the motor vehicles in such combination, except that not more than two vehicles in any such combination of motor vehicles in transit may be connected by means of a towbar mechanism. Whenever motor vehicles are transported as authorized in this subsection, such motor vehicles shall be connected securely.
- (d) Except as otherwise provided in subsection (c), not more than three vehicles, including the towing vehicle, in any combination of vehicles may be connected by means of a towbar mechanism, and if the three such vehicles are connected by towbar mechanisms, the towbar mechanism between the towing vehicle and the first towed vehicle shall be equipped with an anti-sway mechanism. In addition, the second towed vehicle of every combination of vehicles so connected shall be equipped with service brakes acting on the wheels of at least one axle, and which are of a type approved by the safety department of the department of transportation and of such character as to be applied automatically and promptly.

**Sec. 181. One-Way Glass and Sun Screening Devices.**

- (a) No motor vehicle required to be registered with this Tribe and which is operated on the highways of this Reservation or its Trust Lands shall be equipped with one-way glass or any sun screen device, as defined in Section 1, and used in conjunction with safety glazing materials that do not meet the following requirements:
  - (1) A sun screening device when used in conjunction with the windshield shall be nonreflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the AS1 line which is clearly defined and marked;
  - (2) A sun screening device when used in conjunction with the safety glazing materials of the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rear most window shall be nonreflective; and
  - (3) The total light transmission shall not be less than 35 percent when a sun screening device is used in



conjunction with safety glazing materials or other existing sun screening devices.

- (b) This section shall not prohibit labels, stickers or other informational signs that are required or permitted by law.
- (c) No motor vehicle which is operated on the highways of this Reservation or its Trust Lands shall be equipped with head lamps which are covered with any sun screen device, adhesive film or other glaze or application which, when such lamps are not in operation, is highly reflective or otherwise non-transparent.
- (d) Any person violating the provisions of (a), (b) or (c) of this section shall be in violation of this ordinance and punished as provided in Section 201.
- (e) Any person who installs a sun screening device on a motor vehicle which is not in compliance with the provisions of this section, upon adjudication, shall be guilty of a violation of this ordinance and shall be punished by a fine of not more than \$500.

**Sec. 182. Child Passenger Safety Restraining System.**

- (a) Every driver who transports a child under the age of 14 years in a passenger car on a highway shall provide for the protection of such child by properly using:
  - (1) For a child under the age of four years a child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213 in effect on July 1, 1997; or
  - (2) For a child four years of age but under the age of 14, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208, except that if the number of children subject to this requirement exceeds the number of passenger securing locations available for use by children affected by this requirement, and all of those securing locations are in use by children, then there is not a violation of this section.
- (b) It shall be unlawful for any driver to violate the provisions of subsection (a) and upon adjudication such driver shall be punished by a fine of \$20. The failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car at the same time shall be treated as a single violation.
- (c) Ten dollars of the fine provided for in subsection (b) and court costs assessed shall be waived if the driver convicted of violating subsection (a)(1) provides proof to the court that such driver has purchased or acquired an approved child passenger safety restraining system.
- (d) No driver charged with violating the provisions of this section shall be convicted if such driver produces in the office of the arresting officer or in court proof that the child was 14 years of age or older at the time the violation was alleged to have

occurred.

- (e) Evidence of failure to secure a child in a child passenger safety restraining system or a safety belt under the provisions of this section shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.
- (f) As used in this section passenger car means a motor vehicle with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle, a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds.

#### **Sec. 182a. Seat Belts.**

- (a) Except as provided in Section 182 and in subsection (b), each front seat occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 shall have a safety belt properly fastened about such person's body at all times when the vehicle is in motion.
- (b) This section does not apply to:
  - (1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;
  - (2) Carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes;
  - (3) Newspaper delivery persons while actually engaged in delivery of newspapers along with their specified routes; or
  - (4) An occupant of a passenger car required to be protected by a safety restraining system under the child passenger safety act.
- (c) Persons violating subsection (a) of Section 182a shall be fined not more than \$10 including court costs.
- (d) Law enforcement officers shall not stop drivers for violations of this section in the absence of another violation of law. A citation for violation of this section shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

#### **Sec. 182b. Unlawful Riding on Vehicles; Persons Under Age 14.**

- (a) It shall be unlawful for any person under the age of 14 years to ride on any vehicle or upon any portion thereof not designed or intended for use of passengers when the vehicle is in motion.
- (b) It shall be unlawful for the operator of any vehicle to allow any person under the age of 14 years to ride on any vehicle or upon any portion thereof not designed or intended for the

use of passengers when the vehicle is in motion.

(c) This section shall not apply to:

- (1) An employee under the age of 14 years engaged in the necessary discharge of the employee's duty within truck bodies in space intended for merchandise or cargo; or
- (2) When the vehicle is being operated in parades, caravans or exhibitions which are officially authorized or otherwise permitted by law.

(d) The provisions of subsections (a) and (b) shall apply only when a vehicle is being operated within the Reservation or its Trust Lands.

#### **Article 18. Equipment on Motorcycles and Motor-Driven Cycles**

##### **Sec. 183. Head Lamps.**

- (a) Every motorcycle and every motor-driven cycle shall be equipped with at least one head lamp which shall comply with the requirements and limitations of this article.
- (b) Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in subsection (b) of Section 145.

##### **Sec. 184. Tail Lamps.**

- (a) Every motorcycle and motor-driven cycle shall have at least one tail lamp which shall be located at a height of not more than 72 nor less than 15 inches.
- (b) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

**Sec. 185. Reflectors.** Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the tail lamp or separately, at least one red reflector meeting the requirements of subsection (b) of Section 140.

##### **Sec. 186. Stop Lamps.**

- (a) Every motorcycle and motor-driven cycle shall be equipped with at least one stop lamp meeting the requirements of subsection (a) of Section 161.
- (b) Every motorcycle manufactured after January 1, 1973, shall be equipped with electric turn signals meeting the requirements of subsection (b) of Section 161. Motor-driven cycles may, but need not, be equipped with electric turn signals.

**Sec. 187. Multiple-beam Road-lighting Equipment.** Every motorcycle, other than a motor-driven cycle, shall be equipped with multiple beam road-lighting equipment. Such equipment shall:

- (a) Reveal persons and vehicles at a distance of at least 300 feet ahead when the uppermost distribution of light is selected; and
- (b) Reveal persons and vehicles at a distance of at least 150 feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading, none of the high intensity portions of the beam shall be directed to strike the eyes of an approaching driver.

**Sec. 188. Lighting Equipment for Motor-Driven Cycles.** The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type, but in either event shall comply with the requirements and limitations as follows:

- (a) Every such head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal persons and vehicles at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour, and at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour, and at a distance of not less than 300 feet when the motor-driven cycle is operated at a speed of 35 or more miles per hour.
- (b) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps, such equipment shall comply with the requirements of Section 187.
- (c) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, such lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

**Sec. 189. Brake Equipment Required.** Every motorcycle and motor-driven cycle shall comply with the provisions of subsection (a) of Section 173, except that the wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle need not be equipped with brakes: provided, that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of this article.

**Sec. 190. Performance Ability of Brakes.** Upon application of the service brake, every motorcycle and motor-driven cycle, at all times and under all conditions of loading, shall be capable of stopping from a speed of 20 miles per hour in not more than 30 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for stopping distance shall be made on a dry smooth, hard and substantially level surface, not to exceed one percent (1%) grade, that is free from loose material.

**Sec. 191. Other Equipment.**

- (a) Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations of Section 174 on horns and warning devices, Section 175 on noise prevention and mufflers, Section 176 on mirrors and Section 178 on tires.
- (b) Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations contained in this article, and unless otherwise specifically made applicable, motorcycles and motor-driven cycles shall not be subject to the requirements and limitations imposed elsewhere in this ordinance with respect to equipment on vehicles.

#### **Article 19. Driver's License and Vehicle Tags**

**Sec. 192. Driver's License.** No person, except those expressly exempted, shall drive or operate any motor vehicle or motorized bicycle upon any highway in this Reservation or its Trust Lands unless such person has a valid driver's license. Violation of this section is punishable by a fine of not more than \$1,000.

**Sec. 193. Driver's License in Possession.** Every licensee shall have his or her driver's license in his or her immediate possession at all times when operating a motor vehicle, and shall display the same upon demand of any law enforcement officer. However, no person charged with violating this section shall be convicted if such person produces in court a driver's license theretofore issued to such person and valid at the time of arrest.

**Sec. 194. Driving While License Canceled, Suspended or Revoked; Penalty.**

- (a) (1) Any person who drives a motor vehicle on any street or highway at a time when such person's privilege so to do is canceled, suspended or revoked shall upon a first adjudication be fined not to exceed \$1,000. On a second adjudication of a violation of this section such person shall be punished by a fine not to exceed \$2,500.
- (2) No person shall be convicted under this section if such person was entitled at the time of arrest to the return of such person's driver's license or was, at the time of arrest, to apply for a new license to operate a motor vehicle.
- (3) Except as otherwise provided by subsection (a)(4), every person convicted under this section shall be fined at least \$100 and upon a second adjudication shall be fined at least \$200.
- (4) If a person (A) is convicted of a violation of this section, committed while the person's privilege to drive was suspended or revoked for a violation of Section 30 of this ordinance and amendments thereto, or any ordinance of any Tribe or a law of another state, which ordinance or law prohibits the acts prohibited by Section 30 of this ordinance and amendments thereto, and (B) is or has been also convicted of a violation of Section 30 of this ordinance and amendments thereto, or of a municipal ordinance or law of another state, which ordinance or law prohibits the acts prohibited by Section 30 of this ordinance and amendments thereto, committed while the person's privilege to drive was so

suspended or revoked, the person shall have their driver's license suspended for at least ninety (90) days.

- (b) For the purposes of determining whether a adjudication is a first, second, third or subsequent adjudication in sentencing under this section, "adjudication" includes a adjudication of a violation of any ordinance of any Tribe or a law of any state which is in substantial conformity with this section.

**Sec. 195. Driving in Violation of Restrictions.**

- (a) No person shall operate a motor vehicle in violation of the restrictions on any driver's license or permit.
- (b)
  - (1) Any person guilty of violating this section, upon the first adjudication, shall be fined not to exceed \$250, and the court shall suspend such person's privilege to operate a motor vehicle for not less than 30 days and not more than two years.
  - (2) Any person guilty of violating this section, upon a second or subsequent adjudication, shall be fined not to exceed \$500, and the court shall suspend such person's privilege to operate a motor vehicle for not less than 90 days and not more than two years.
- (c) Nothing in this section shall limit the court in imposing other civil sanctions, conditions or restrictions authorized by any other ordinance arising from the same occurrence in addition to civil sanctions imposed under this section.

**Sec. 196. Unauthorized Operator.** No person shall authorize or knowingly permit a motor vehicle owned by him or her or under such person's control to be driven upon any highway by any person who has no legal right to do so, or who does not have a valid driver's license.

**Sec. 197. Unauthorized Minors.** No person shall cause or knowingly permit his child or ward under the age of 18 years to drive a motor vehicle upon any highway when such minor person does not have a valid driver's license.

**Sec. 198. Vehicle License; Illegal Tag.**

- (a) It shall be unlawful for any person to:
  - (1) Operate, or for the owner thereof knowingly to permit the operation, upon a highway of any vehicle which is not registered, or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the license plate or plates assigned thereto by a sovereignty authorized to issue the same for the current registration year, including any registration decal required to be affixed to any such license plate pursuant to law, subject to the exemptions allowed in this Ordinance.
  - (2) Display or cause or permit to be displayed, or to have in possession, any registration receipt, certificate of title, registration license plate, registration decal, accessible

parking placard or accessible parking identification card knowing the same to be fictitious or to have been canceled, revoked, suspended or altered. A violation of this subsection (2) shall constitute an ordinance violation punishable by a fine of not less than \$100 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection (2). This subsection (2) shall not apply to the possession of:

- (A) Model year license plates displayed on antique vehicles as allowed by law; or
  - (B) Distinctive license plates allowed under law.
- (3) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, certificate of title, registration license plate or registration decal issued to the person so lending or permitting the use thereof.
  - (4) Remove, conceal, alter, mark or deface the license number plate or plates or any other mark of identification upon any vehicle. License plates shall be kept clean and they shall be placed on all vehicles within the Reservation or its Trust Lands as required by law so as to be plainly legible.
  - (5) Carry or display a registered number plate or plates or registration decal upon any vehicle not lawfully issued for such vehicle.
- (b) Any person violating subsections (1), (2) or (3) shall be punished by a fine not exceeding \$2,500. Any person violating subsections (4) or (5) shall be punished as provided in section 201(d) of this ordinance.

#### **Sec. 199. Unlawful Use of License.**

- (a) It shall be unlawful for any person, for any purpose to:
  - (1) Display or cause or permit to be displayed or have in possession any fictitious or fraudulently altered driver's license.
  - (2) Lend any driver's license to any other person or knowingly permit the use thereof by another.
  - (3) Display or represent as the person's own, any driver's license not issued to the person.
  - (4) Fail or refuse to surrender to any police officer upon lawful demand any driver's license which has been suspended, revoked or canceled.
  - (5) Permit any unlawful use of driver's license issued to the person.
  - (6) Photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid driver's license or display or have in possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by law.
  - (7) Display or possess any photograph, photostat, duplicate or facsimile of a driver's license unless authorized by law.
  - (8) Display or cause or permit to be displayed any canceled, revoked or suspended driver's license.
- (b) Violation of paragraphs (1) or (8) of subsection (a) is punishable by a fine of not more than \$1,000. Violation of paragraphs (2), (3), (4), (5), (6) or (7) of subsection (a) is

punishable by a fine of not more than \$2,500.

- (c) The provisions of this section shall apply to any driver's license, whether issued under the laws of this Tribe or issued under the laws of another tribe, state or jurisdiction. by a sovereignty authorized to issue the same a

#### **Sec. 200. Motor Vehicle Liability Insurance.**

- (a) Every owner of a motor vehicle shall provide motor vehicle liability insurance coverage in accordance with the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101 *et seq.*, for every motor vehicle owned by such person, unless such motor vehicle is included under an approved self-insurance plan as provided in K.S.A. Supp. 40-3104 (f) or is otherwise expressly exempted under the laws of this state.
- (b) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of the tribe or the state of Kansas.
- (c) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from said requirements pursuant to the laws of the tribe or the state of Kansas.
- (d) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of financial security to a law enforcement officer. The law enforcement officer shall issue a citation to any person who fails to display evidence of financial security upon such demand.
- (e) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (b), (c) or (d) shall be convicted if such person produces in court, within 100 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. For the purpose of this subsection evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance.
- (f) Any person violating any provision of this section shall be guilty of a violation of this ordinance and subject to a fine of not less than \$200 nor more than \$1,000 except that any person convicted of violating any provision of this section within three years of any such prior adjudication shall be guilty of a violation of this ordinance and subject to a fine of at least \$500 and not to exceed \$2,500.

#### **Article 20. Penalties Generally**



#### **Sec. 201. Penalties.**

- (a) It is unlawful for any person to violate any of the provisions of this ordinance.
- (b) The judge of the Tribal Court shall prescribe a schedule of fines for violation of any section of this ordinance classified as an ordinance traffic infraction by this Ordinance and amendments thereto. Such fines shall be imposed upon a voluntary entry of appearance and upon an adjudication of such violation payment of the fine and any court costs shall be due.
- (c) A person who has been adjudicated of a traffic infraction may be sentenced to pay a fine which shall be fixed by the court, not exceeding \$500.
- (d) Every person convicted of a violation of any of the provisions of this ordinance for which another penalty is not provided by this ordinance or by the schedule of fines established by the judge of the tribal court shall be punished for first adjudication thereof by a fine of not more than \$100; for a second such adjudication within one year thereafter such person shall be punished by a fine of not more than \$200; upon a third or subsequent adjudication within one year after the first adjudication such person shall be punished by a fine of not more than \$500.

#### **Sec. 201a. Failure to Comply with Traffic Citation.**

- (a) It shall be unlawful to fail to comply with a traffic citation. Failure to comply with a traffic citation means failure either to (1) appear before the tribal court in response to a traffic citation and pay in full any fine and court costs imposed or (2) otherwise comply with a traffic citation issued for an ordinance traffic infraction. Failure to comply with a traffic citation shall be unlawful regardless of the disposition of the charge for which such citation was originally issued.
- (b) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the tribal court shall mail notice to the person that if the person does not appear in tribal court or pay all fines, court costs, and any penalties within 30 days from the date of mailing, the court shall suspend the person's driving privileges.

**Sec. 202. Parties to a Violation.** Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be a traffic infraction whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this ordinance is likewise guilty of such offense.

**Sec. 203. Offenses by Persons Owning or Controlling Vehicles.** It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle, to require

or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to this ordinance.

**Sec. 204. Fines Doubled in Road Construction Zones.** Fines listed in the schedule of fines, as established by the tribal court judge, shall be doubled if a person is convicted of a ordinance traffic infraction committed within any road construction zone.

#### **Article 21. Severability**

**Sec. 205. Severability.** If any provision of this code is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the code and the applicability thereof to other persons and circumstances shall not be affected thereby.

#### **Article 22. Authority of Police**

**Sec. 206. Enforcement.** The Tribal Police have full authority to enforce the provisions of this Ordinance, including the authority to stop any vehicle the Tribal Police, detain the driver and occupants thereof, impound the vehicle, and seize the driver's license of the person driving the vehicle. Any and all stops must be based on probable cause to believe that a traffic infraction has been violated.

**Sec. 207. Impoundment.** When a person has been stopped by the Tribal Police for a violation of any traffic infraction the Tribal Police are authorized to impound the vehicle of the driver to insure that the driver does not violate any other traffic infractions, to insure the safety of the public, or to insure the appearance of the driver in Tribal Court. The Tribal Police may incur reasonable expenses in the process of impounding the vehicle, including but not limited to wrecker service charges and storage fees. The Tribal Police are not responsible for any damages, thefts, or other such damages to the impounded vehicle while in their custody.

**Sec. 208. Expenses of Impoundment.** Upon conviction for any violation of this Ordinance, the Court shall order the expenses of impoundment of the driver's vehicle paid by the violator. If the driver is not found to have violated any traffic infractions, then the impoundment expenses, shall be paid by the Tribe. If a vehicle is impounded and remains unclaimed for after thirty (30) days after the conclusion of the case, then the Tribal Police shall give the owner of said vehicle a written notice at said owner's last known address that if the vehicle is not claimed within thirty (30) days that the same will be sold at wholesale to a car dealer to pay the expenses of impoundment and any other court fines or costs, if any. The balance after payment of these items will be sent to the owner. The expenses of impoundment will include the costs of sale and storage fees.

**Sec. 209. Driver's License.** Any and all persons operating motor vehicles, private and commercial, have given consent to follow any lawful traffic laws and to produce their driver's license to the Tribal Police upon request. The Tribal Police may hold the driver's license may be held to insure the driver's appearance in Court. The Court may also hold and detain the driver's license to insure payment of the fines, costs and other expenses in this matter.

**Sec. 210. Notice to Appear.** The Tribal Police may detain the

driver of a vehicle until the person can appear before the Court, or the Tribal Police may issue a Written Citation and Notice to Appear stating the alleged traffic violations, the date and time to appear in Tribal Court, the name, phone number, and address of the Tribal Court, and the required standard fee and court costs for this violation. If a Citation and Notice to Appear is issued, the Tribal Police may require the person to leave the person's driver's license with the Tribal Police to insure the person's appearance in Tribal Court.

**Sec. 211. Payment of Fine.** After issuing a Citation, the Tribal Police may accept payment for the traffic infraction and court costs, according to the Schedule Fines in Article 23 of this Ordinance, in lieu of holding the driver's license of the alleged violator. Payment may be made in the form of cash or credit card. The officer shall receipt the driver for the cash paid. The Trading Post on the Reservation shall accept payment and receipt the driver for the same. All payments, cash and credit card payments, shall be deposited in a special ledger account at the Trading post called "Fines and Court Costs." At least quarterly, this account shall be paid to the Tribal Court. A discount shall be allowed to cover the expense of the credit card charges for processing the same. The officer shall promptly deposit all cash for payments into this account.

### **Article 23. Traffic Infractions and Scheduled Fines**

**Sec. 212. Court Costs.** The Court costs for all traffic infractions shall be \$40.00. The same will be assessed against the violator if convicted of a traffic infraction. If more than one traffic infraction is charged as a result of the same stop, then only one court cost will be charged. If the violator is granted a diversion, the court costs will be paid as a part of any diversion on a traffic infraction. If the court finds no traffic infraction, then the court costs will be assessed to the Tribe. Court costs shall include fees for certified mail for service of process.

**Sec. 213. Restitution and other costs.** If any property damages are sustained by any person as a result of the traffic infraction, then the Court may consider the same, and if connected to the traffic infraction, the Court may assess reasonable restitution to be paid to the victim, but only after notice and a hearing on the issue.

**Sec. 214. Impoundment Fees.** The court upon finding a traffic infraction has been committed may assess any and all impoundment expenses and fees to the driver of the vehicle. This includes wrecker fees and storage expenses.

**Sec. 215. Standard Schedule of Fees for Traffic Infractions.**  
(a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the

violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply for payment of fines but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

Description of Offense	Infraction	Fine
Refusal to submit to a preliminary breath test	30a	\$30
Unsafe speed for prevailing conditions	32	\$20
Exceeding maximum speed limit;	33	
\$1.00 per mph for 1"10 mph over or speeding in posted zone		
\$2.00 per mph for 11"20 mph over		
\$3.00 per mph for 21"30 mph over		\$60
plus \$5 per mph over 30 mph over the limit;		
Disobeying traffic control device	12	\$20
Violating traffic control signal	12	\$20
Violating pedestrian control signal	14	\$10
Violating flashing traffic signals	15	\$20
Violating lane-control signal	16	\$20
Unauthorized sign, signal, marking or device	17	\$10
Driving on left side of roadway	38	\$20
Failure to keep right to pass oncoming vehicle	39	\$20
Improper passing; increasing speed when passed	40	\$20
Improper passing on right	41	\$20
Passing on left with insufficient clearance	42	\$20
Driving on left side where curve, grade,	43	\$20

intersection railroad crossing, or obstructed view		
Driving on left in no-passing zone	44	\$20
Driving wrong direction on one-way road	45	\$20
Improper driving on laned roadway	46	\$20
Following too close	47	\$20
Improper crossover on divided highway	48	\$10
Failure to yield right-of-way at uncontrolled intersection	49	\$20
Failure to yield to approaching vehicle when turning left	50	\$20
Failure to yield at stop or yield sign	59	\$20
Failure to yield from private road or driveway	60	\$20
Failure to yield to emergency vehicle	61	\$30
Failure to yield to pedestrian or vehicle working on roadway	62	\$10
Failure to comply with restrictions in road construction zone	62	\$10
Disobeying pedestrian traffic control device	63	\$10
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	64	\$20
Improper pedestrian crossing	65	\$10
Failure to exercise due care in regard to pedestrian	66	\$10
Improper pedestrian movement in crosswalk	65	\$10
Improper use of roadway by pedestrian	65	\$10
Soliciting ride or business on roadway	69	\$10
Driving through safety zone	70	\$10
Failure to yield to pedestrian on sidewalk	71	\$10
Failure of pedestrian to yield to emergency vehicle	72	\$10
Failure to yield to blind pedestrian	73	\$10
Pedestrian disobeying bridge or railroad signal	74	\$10

Improper turn or approach	54	\$20
Improper "U" turn	50	\$20
Unsafe starting of stopped vehicle	53	\$10
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	54	\$20
Improper method of giving notice of intention to turn	55	\$10
Improper hand signal	56	\$10
Failure to stop or obey railroad crossing signal	76	\$60
Failure to stop at railroad crossing stop sign	77	\$40
Certain hazardous vehicles failure to stop at railroad crossing	78	\$60
Improper moving of heavy equipment at railroad crossing	79	\$20
Vehicle emerging from alley, private roadway, building or driveway	80	\$20
Improper passing of school bus; improper use of school bus signals	81	\$100
Improper passing of church or day-care bus; improper use of signals	82	\$60
<hr/>		
Impeding normal traffic by slow speed	34	\$10
Speeding on motor-driven cycle	35	\$20
Improper stopping, standing or parking on roadway	86	\$10
Parking, standing or stopping in prohibited area	85	\$10
Improper parking	83	\$10
Unattended vehicle	84	\$10
Improper backing	117	\$10
Driving on sidewalk	116	\$10
Driving with view or driving mechanism obstructed	108	\$10
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Coasting	109	\$10
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Improper safety belt or shoulder harness	182a	\$10
Improper wide-based single tires	178a	\$20
Defective motorcycle headlamp	183	\$10
Defective motorcycle tail lamp	184	\$10
Defective motorcycle reflector	185	\$10
Defective motorcycle stop lamps and turn signals	186	\$10
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To

Standard Traffic Ordinance for Kansas Cities

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